

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

vs.

08-CR-21

TODD J. BROXMEYER,

Defendant.

-----X

VOLUME II

TRANSCRIPT OF JURY TRIAL

held in and for the United States District Court,
Northern District of New York, at the Federal Building,
15 Henry Street, Binghamton, New York, on Monday,
September 16, 2008, before the HONORABLE THOMAS J. McAVOY,
Senior United States District Court Judge, PRESIDING.

A P P E A R A N C E S

FOR THE GOVERNMENT: OFFICE OF THE UNITED STATES ATTORNEY
Northern District of New York
15 Henry Street
Binghamton, New York 13901
BY: MIROSLAV LOVRIC, AUSA

FOR DEFENDANT: PATRICK J. KILKER
Attorney at Law
231-241 Main Street
Vestal, New York 13850

1 (Jury present).

2 THE COURT: Morning, ladies and gentlemen.
3 You all set to hear some more witnesses? That's what we're
4 going to do. Mr. Lovric, you got one for us?

5 MR. LOVRIC: Yes, your Honor. The next
6 witness we call is Monica Gombita. If I can just get her
7 from out in the hallway.

8 THE COURT: Sure.

9 THE CLERK: Ma'am, please state your name for
10 the record.

11 THE WITNESS: Monica Gombita. G-O-M-B-I-T-A.
12 MONICA GOMBITA, having been called as a witness, being duly
13 sworn, testified as follows:

14 THE COURT: Okay, Mr. Lovric.

15 DIRECT EXAMINATION

16 BY MR. LOVRIC:

17 Q Good morning, Monica.

18 A Good morning.

19 Q Okay. You're going to have to pull that microphone
20 over, okay. You've got a pretty quiet voice. All right.
21 You have to answer, too.

22 A Morning.

23 Q Morning. Monica, just for the members of the jury,
24 could you just tell them your full name again and tell us how
25 old you are today?

Monica Gombita - Direct

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1 A Monica Gombita and I'm 19.

2 Q Monica, I'd like to talk with you a little bit this
3 morning about your days when you were a high school student.
4 Did you go to high school in this area?

5 A Yes.

6 Q Which high school did you go to?

7 A Vestal High School.

8 Q And in what year did you graduate from high school?

9 A 2007.

10 Q And when you graduated from high school, how old
11 were you as of your graduation date?

12 A Seventeen.

13 Q And I take it then between your freshman and senior
14 year in high school, you were somewhere between the ages of
15 13 and 17?

16 A Yes.

17 Q And in fact, well, after you graduated from high
18 school, you had not yet turned 18, is that a fair statement?

19 A Yeah.

20 Q Monica, when you were in high school, did you play
21 field hockey?

22 A Yes.

23 Q And did you play for the school team?

24 A Yep.

25 Q And Monica, did there come a time when you met a

Monica Gombita - Direct

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1 person by the name of Todd Broxmeyer?

2 A Yes.

3 Q Now, could you take a look around and tell us if
4 you see Mr. Broxmeyer here in Court?

5 A Yes.

6 Q Can you just point to where you see that person?

7 A Over there (indicating).

8 Q And what's he wearing on top?

9 A A tan or whitish shirt.

10 MR. LOVRIC: For the record indicating the
11 defendant.

12 THE COURT: Record will so reflect.

13 Q Monica, how did you first meet Todd Broxmeyer?

14 A I played field hockey at the Sportsplex and that's
15 where he had practices.

16 Q Okay. Now, the Sportsplex that you're referring
17 to, is that the facility up on Robinson Hill Road?

18 A Yes.

19 Q And when you first met Todd Broxmeyer, to your
20 understanding, what was he doing or involved in at the
21 Sportsplex?

22 A He was going to have a club team and you didn't
23 have to -- it was -- it was a place where you could practice.

24 Q Okay. When you say club team, were you going to be
25 playing on some type of team that traveled from time to time

1 to play at tournament type events?

2 A You could but you didn't have to. If you just
3 wanted to go to the practices, you could do that.

4 Q Okay. And when you met Todd Broxmeyer first, did
5 you know from what area he was or did you learn from what
6 area he was?

7 A I thought he was coming from New Jersey.

8 Q What made you believe that or what made you think
9 that?

10 A Just because I heard from people.

11 Q Okay. Now, did you end up going to practice
12 sessions at the Sportsplex?

13 A Yes.

14 Q And when you first started to go to these practice
15 sessions at the Sportsplex, how old were you when you first
16 started going there?

17 A Fifteen or 16.

18 Q Okay. And when you went to the practices, about
19 how often did you go to practices there?

20 A I didn't go a lot during my only field hockey
21 season but I did a lot on the off season.

22 Q During that time was Todd Broxmeyer the only coach
23 that coached these practice sessions?

24 A There were other people there who helped.

25 Q Okay.

Monica Gombita - Direct

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1 A And coached as well.

2 Q Was he running these coaching sessions or these
3 practice sessions?

4 A Yes.

5 Q And, from the time that you began to go to these
6 practice sessions, other than the Sportsplex, did you ever go
7 to any other location for these field hockey practices?

8 A Yes.

9 Q Where was that?

10 A The Binghamton Middle School on the turf garage.

11 Q Was that sort of like an outdoor field that had an
12 astro turf kind of field?

13 A Yes.

14 Q Okay. And were those sessions on the turf the same
15 as at the Sportsplex practicing field hockey?

16 A Yes.

17 Q When you went to these practice sessions, did you
18 meet other girls that were also playing and practicing field
19 hockey?

20 A Yes.

21 Q Were the girls that you met, were they all from one
22 area or different areas?

23 A They were from different schools around the area.

24 Q Where were some of the girls that practiced with
25 you at these practice sessions?

Monica Gombita - Direct

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1 A Whitney Point, Sidney, Marathon.

2 Q Okay. Did you know some of the girls from playing
3 them through school sports?

4 A I didn't know them until I started practicing.
5 That's when I first met them.

6 Q Okay. At any point other than the Sportsplex and
7 the turf that you described, did you ever travel to, for
8 example, New Jersey or Pennsylvania for practice?

9 A Yes.

10 Q Okay. And how did that come about? How did you
11 come to travel there for practice?

12 A You paid a certain amount of money for the
13 practices and if you wanted to go to New Jersey, you didn't
14 have to pay any extra so you got an extra practice in. So
15 sometimes a few of us would travel and go to the New Jersey
16 practices.

17 Q Okay. Do you recall what part of New Jersey that
18 was, if you remember?

19 A I don't remember.

20 Q Okay. Now, after you began to attend Todd
21 Broxmeyer's practice sessions, did you meet or did you get to
22 know of a person named Lindsey Wilcox?

23 A Yes.

24 Q Who was she?

25 A I believe they were girlfriend and boyfriend at the

Monica Gombita - Direct

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1 time.

2 Q And did you learn at some point where Todd
3 Broxmeyer was residing?

4 A Whitney Point.

5 Q I'm sorry. Okay. Did you know if he was living
6 with anybody or if he was living alone?

7 A He was living with Lindsey.

8 Q Now, Monica, at some point after you began to
9 practice at these sessions, did you travel to, for lack of a
10 better term, tournaments called festivals?

11 A Yes, I went to one festival.

12 Q Okay. Which festival did you attend?

13 A I think it was my senior year at Thanksgiving time
14 I went.

15 Q Okay. Do you recall where the festival was held
16 that year?

17 A California.

18 Q And for what team did you play when you traveled to
19 California for this festival?

20 A The Devils.

21 Q Who coached the Devils team?

22 A Todd.

23 Q Mr. Broxmeyer?

24 A Yes.

25 Q And the Devils, they were a group of girls, I take

Monica Gombita - Direct

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1 it, that went to these practice sessions?

2 A There were people from New York and people from New
3 Jersey that made up the team.

4 Q Okay. And how long did you go to California to
5 play in this tournament called festival?

6 A I believe it was nine days.

7 Q And you indicated this is around what time of the
8 year?

9 A Thanksgiving.

10 Q And you believed it was in your senior year?

11 A Yes.

12 Q Your senior year again was what year?

13 A 2006/2007.

14 Q Okay. So, just to make sure I have my time frame,
15 you graduated from high school would it be in the spring,
16 early summer of 2007?

17 A Yes.

18 Q Okay. So this festival would have been the
19 Thanksgiving prior to your graduation?

20 A Yes.

21 Q Okay. So is it fair to say that would have been
22 Thanksgiving of 2006?

23 A Yes.

24 Q And Monica, I'd like to talk a little bit about
25 practice sessions. When you attended the practice sessions

Monica Gombita - Direct

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1 that Mr. Broxmeyer coached, how would you describe from what
2 you observed Mr. Broxmeyer with players, yourself and other
3 players? Did you ever see anything that made you
4 uncomfortable?

5 A He joked around a lot and --

6 Q When you say joked around, what do you mean?

7 A He would sometimes like chase us and kind of tackle
8 you in like a playful way.

9 Q Okay. Did he ever do that to you?

10 A Yes.

11 Q Did he ever do tackling with you that made you feel
12 uncomfortable?

13 A No.

14 Q Did you ever see him do any of that with any of the
15 other girls?

16 A Like chase them and stuff, yes.

17 Q Monica, at some point did Mr. Broxmeyer make any
18 advances to you?

19 A Yes.

20 Q Can you tell us a little bit about that? Can you
21 describe how that started?

22 A I texted him once in a while and he would make
23 comments about me and kind of like flirt.

24 Q What kind of things would he say that you would
25 consider flirting?

Monica Gombita - Direct

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1 A That he liked my body and that he thought I was
2 sexy and that kind of thing.

3 Q And did he do that in the format of these text
4 messages?

5 A Yes.

6 Q Was he explicit when he sent you these text
7 messages? Did he say things specifically about your body,
8 parts of your body?

9 A Yes.

10 Q Can you tell us a little bit about those messages,
11 what he was saying about your body or anything dealing with
12 your body? Just take your time.

13 A I can't really remember anything specific.

14 Q Were there ever times where he would compliment you
15 about parts of your body?

16 A Yes.

17 Q What parts of your body was he referring to, let's
18 start there?

19 A My butt and --

20 Q Okay. Now, about when based on when you started to
21 practice in these sessions, about when did this start? For
22 example, when he started to make these comments to you about
23 your body.

24 A After festival.

25 Q So that was sometime after Thanksgiving of 2006?

Monica Gombita - Direct

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1 A Yes.

2 Q And at that time you would have been how old,
3 Thanksgiving 2006 time frame?

4 A Seventeen.

5 Q Okay. And you said you indicated that you remained
6 17 throughout even after your graduation?

7 A Yes. Yes, through September.

8 Q Okay. Did Todd Broxmeyer ever send you any photo
9 images by texting?

10 A Yes.

11 Q What kind of image or images did he send to you?

12 A A picture of his penis.

13 Q And was this before or after he began to compliment
14 you about your body?

15 A After.

16 Q Monica, I'm going to show you what's in evidence as
17 Government Exhibit Number 1, page 13, just for the record.
18 Do you see that on the monitor?

19 A Yes.

20 Q Do you recognize that photograph?

21 A Yes.

22 Q How do you recognize this photograph?

23 A That's the picture he sent to me.

24 Q Now, when Todd Broxmeyer sent you the photo of his
25 penis, what did he say in the texting when he sent you that?

Monica Gombita - Direct

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1 A I don't remember.

2 Q Did there come any point in time where he discussed
3 or texted to you asking you to send a picture of yourself to
4 him?

5 A Yes.

6 Q What was he asking you to do?

7 A Send a picture that he thought or he would think
8 was sexy or like that nature.

9 Q Did he ask you to do that on one or more occasions?

10 A It may have been more than once.

11 Q And did you at some point send him a picture?

12 A Yes.

13 Q I'd like to show you, Monica, Exhibit 1, page
14 Number 5 of Exhibit 1. Do you see that photograph?

15 A Yes.

16 Q Do you recognize that photograph?

17 A Yes.

18 Q Who's that picture of?

19 A Myself.

20 Q And did you send this picture to Todd Broxmeyer?

21 A Yes.

22 Q And did you send him this picture after he had
23 asked you on more than one occasion to send a sexy picture?

24 A Yes.

25 Q Now, at the time when he's asking you to do these

Monica Gombita - Direct

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1 things, Monica, how did you feel about the things that he was
2 saying to you about your body and sending a picture of
3 yourself to him?

4 A I felt like it was wrong but I kept thinking that
5 he had a girlfriend so -- I wasn't used to getting
6 compliments a lot by guys so --

7 Q So at that time when he was asking you to do these
8 things, to some degree you felt somebody was paying attention
9 to you, I take it?

10 A Yes.

11 Q Monica, at any point in time did Todd Broxmeyer
12 touch you in a sexual way?

13 A Yes.

14 Q Can you tell us about that?

15 A He gave me a ride home from practice one time and
16 he put his hand down my pants.

17 Q And did he touch your vagina?

18 A Yes.

19 Q What did you say to him? Were you surprised by
20 that?

21 A What was that?

22 Q Were you surprised by what he did?

23 A Yes.

24 Q Were you somewhat in shock?

25 A Yes.

Monica Gombita - Direct

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1 Q Did he ever do anything again like that?

2 A No.

3 Q Did Todd Broxmeyer ever say anything to you about
4 discussing that event or telling anybody about what happened
5 in the car?

6 A No.

7 Q Did you ever discuss it with him after it happened?

8 A Not that I remember, no.

9 MR. LOVRIC: That's all I have right now,
10 Judge.

11 THE COURT: Okay. Mr. Kilker.

12 MR. KILKER: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. KILKER:

15 Q Morning, Monica.

16 A Morning.

17 Q I'm attorney Kilker. I represent Mr. Broxmeyer.
18 I'm going to ask you some questions about what you just
19 testified to. Okay?

20 A Okay.

21 Q Monica, how long have you known Mr. Broxmeyer?

22 A I've known him since he came to the Southern Tier
23 with his team. I believe two years, maybe three.

24 Q 2006, would that be a fair estimate of the time you
25 met him?

1 A Yes.

2 Q Did you meet him at the Sportsplex?

3 A Yes.

4 Q When you first met him, what was your understanding
5 of what his group entailed or what the Sportsplex entailed?

6 A I knew it was going to be a team that you could
7 practice with all year round and I knew that it was going to
8 be a team that was going to travel but you didn't have to
9 travel. You could just attend the practices if you wanted
10 to.

11 Q Now, the skills that were being practiced there,
12 was Mr. Broxmeyer coaching you those skills or were those
13 skills that you had already acquired?

14 A Both. We practiced skills I had already learned
15 and I also learned new skills.

16 Q Did Mr. Broxmeyer also make equipment available for
17 the girls if they needed sticks or things of that nature?

18 A Yes.

19 Q How many girls would you say were involved in this
20 project?

21 A Maybe thirty. It was different at different times
22 of the year. At certain times there would be more people
23 than other times.

24 Q And when you signed up, did your parents go with
25 you and sign you up?

1 A Yes.

2 Q You paid a fee, correct?

3 A Yes.

4 Q And when you paid your fee, you also had to provide
5 your phone number so he could get ahold of you in case
6 practice was canceled or something of that nature?

7 A Yes.

8 Q You also had his phone number?

9 A Yes.

10 Q And there came a time that you began texting him,
11 is that right?

12 A Yes.

13 Q How did that come about?

14 A I don't really remember.

15 Q How often would you say that you had text-messaged
16 Mr. Broxmeyer?

17 A It was quite often.

18 Q Daily?

19 A Sometimes not always, no.

20 Q Now, the text messages that were going back and
21 forth between you, they weren't all sexual in nature, is that
22 fair to say?

23 A What was that?

24 Q They were not all sexual in nature?

25 A Not all, no.

1 Q You began sort of a player/coach type of
2 relationship, is that fair to say? You met him as a coach,
3 right?

4 A Yes.

5 Q And or at least somebody who was running the
6 program?

7 A Yes.

8 Q And then your conversations became more familiar,
9 more friendly?

10 A Yes.

11 Q The text messages, yes?

12 A Yes.

13 Q And would you flirt with him?

14 A I don't -- I don't think I was flirting.

15 Q Did you like him? Did you have a crush on him?

16 A No.

17 Q Did you like the attention?

18 A Yes.

19 Q You had indicated that Mr. Broxmeyer sent you a
20 photo of himself in the nude?

21 A Yes.

22 Q When did that happen?

23 A Sometime following festival.

24 Q Do you remember what month?

25 A No.

1 Q Or the day, or just you just know that it followed
2 festival sometime after November of 2006?

3 A Correct.

4 Q And was that image saved on your phone at all?

5 A No. I deleted it immediately.

6 Q Any of the text messages that you claim were sexual
7 in nature, were those preserved in any way?

8 A No.

9 Q Did you also in addition to text messaging
10 Mr. Broxmeyer have on-line discussions with him?

11 A Yes.

12 Q Those would be instant messages, that type of
13 thing?

14 A Yes.

15 Q How often would you say those messages took place?

16 A Not very often.

17 Q More texts, you think?

18 A Yes.

19 Q And at that time, that is after Thanksgiving of
20 2006, you indicated that Mr. Broxmeyer's comments to you were
21 more directed at your physical features, more in particular
22 you said your butt, right?

23 A Yes.

24 Q And eventually you sent Mr. Broxmeyer a photo which
25 you have identified to be your back side, correct?

1 A Yes.

2 Q Who took that photo?

3 A I did.

4 Q And you sent that to Mr. Broxmeyer at his request?

5 A Yes. He asked me for it.

6 Q Did he coerce you or threaten you or that he would
7 terminate you from the team or anything of that nature if you
8 didn't give him the picture?

9 A No.

10 Q Would you say you gave it to him voluntarily?

11 A Yes.

12 Q Did you ever get upset if Mr. Broxmeyer wouldn't
13 respond to your e-mails?

14 A No.

15 Q Did anybody tell you that your interest in
16 Mr. Broxmeyer was becoming increasingly apparent and that you
17 should chill out a little?

18 A No.

19 Q Who is Jordan Grear?

20 A I have no idea.

21 Q How about Liz Grasso?

22 A I'm not sure. No.

23 Q Did Todd ever talk to you about calming down the
24 text messaging?

25 A Not that I recall, no.

1 Q Who paid for your phone bill?

2 A My parents.

3 Q Did they ever discuss with you the volume of text
4 messages that were being sent?

5 A No.

6 Q You didn't have any complaints from your parents
7 about the phone bill and text messages that were sent?

8 A No.

9 Q Now, the photo that you sent to Mr. Broxmeyer, did
10 you send it to anyone else?

11 A No.

12 Q And approximately when was that particular photo
13 sent?

14 A I don't remember.

15 Q Now, the comments that you indicated that
16 Mr. Broxmeyer made to you on your text messages that refer to
17 your body when he was asking for a photograph, you indicated
18 that he wanted something sexy?

19 A Yes.

20 Q He didn't specify what part of your body he wanted,
21 did he?

22 A He may have but I do not remember.

23 Q So you have no specific recollection that he asked
24 for any particular body part?

25 A I do not remember, no.

1 Q The text messages that you sent from your phone to
2 Mr. Broxmeyer's, were they always on the same phone? In
3 other words, did you just have one phone that you used and
4 you responded to his cellphone?

5 A Yes.

6 Q And aside from the photograph that you identified
7 as being sent to Mr. Broxmeyer, did you send any other
8 photographs?

9 A No.

10 Q Did you send any photographs of you in the nude?

11 A No.

12 Q And you knew at the time you sent the photograph
13 that Mr. Broxmeyer had a girlfriend, correct?

14 A Yes.

15 Q And that he was living with her?

16 A Yes.

17 Q And you knew his girlfriend?

18 A Yes.

19 Q And how did you know her?

20 A She was at the practices sometimes. She helped
21 coach.

22 Q She was also involved in field hockey?

23 A Yes.

24 Q And was a coach herself?

25 A I believe so.

Monica Gombita - Cross

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1 Q Now, you also have indicated that Mr. Broxmeyer on
2 one occasion had driven you home and stopped the vehicle,
3 placed his hand down your pants, is that right?

4 A Yes.

5 Q When did that happen?

6 A I remember it was in the wintertime.

7 Q You don't remember specifically when?

8 A Of my senior year.

9 Q So this would have been either December or January,
10 either 2006, 2007?

11 A Yes.

12 Q Seventeen at the time?

13 A Yes.

14 Q Where did this happen, where did it occur?

15 A On the way home from practice.

16 Q I mean specifically.

17 A He had stopped in a parking lot near my house.

18 Q Did you ask him what he was doing?

19 A Yes.

20 Q And when he made his advances, did you do anything,
21 say anything?

22 A I asked what he was doing.

23 Q Did you tell anybody about it?

24 A No, I didn't.

25 Q You didn't tell your parents?

Monica Gombita - Cross

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1 A No.

2 Q How about a friend?

3 A No.

4 Q Nobody?

5 A I didn't tell anyone.

6 Q Did you continue to text message Mr. Broxmeyer
7 after that?

8 A Yes.

9 Q And you continued to do so until when?

10 A Until I graduated.

11 Q And you went off to college, did you?

12 A Yes.

13 Q And where do you go to college?

14 MR. LOVRIC: Objection.

15 THE COURT: As to where she went to college?

16 MR. LOVRIC: Yes.

17 THE COURT: What's the basis for the
18 objection? Irrelevant?

19 MR. LOVRIC: It's irrelevant, Judge.

20 THE COURT: Well, I guess it is irrelevant.
21 I'll sustain it.

22 Q So, from the time that you met Mr. Broxmeyer until
23 graduation, you had text messaging communications with him,
24 correct?

25 A Yes.

Monica Gombita - Cross

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1 Q And during the course of the text messages, he
2 indicated to you that you were attractive physically?

3 A Yes.

4 Q And that he'd like a sexy picture of you?

5 A What was that?

6 Q He would like a sexy picture of you?

7 A Yes.

8 Q But he didn't say what kind of picture?

9 A Not that I remember.

10 Q And then you voluntarily sent it?

11 A Yes.

12 MR. KILKER: I have nothing further.

13 THE COURT: Mr. Lovric, redirect?

14 MR. LOVRIC: I have nothing further, Judge.

15 THE COURT: Okay. Thank you very much, Miss
16 Gombita. You may step down, ma'am.

17 (Witness excused).

18 MR. LOVRIC: Judge, the next witness is Alesha
19 Widdall. She's coming downstairs.

20 THE COURT: Okay. Fine.

21 THE CLERK: Ma'am, please state your name for
22 the record.

23 THE WITNESS: Alesha Widdall, A-L-E-S-H-A
24 W-I-D-D-A-L-L.
25

Alesha Widdall - Direct

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1 ALESHA WIDDALL, having been called as a witness, being duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. LOVRIC:

5 Q Good morning, Alesha.

6 A Morning.

7 Q Okay. I just want to make sure you speak into the
8 microphone so we can hear you. Okay?

9 A All right.

10 Q Alesha, could you please tell again your full name?

11 A Alesha Louise Widdall.

12 Q And Alesha, how old are you presently?

13 A Eighteen.

14 Q And without telling us your exact date of birth,
15 when did you turn 18, what month?

16 A January.

17 Q Okay. So January of this year '08 you turned 18?

18 A Yep.

19 Q So prior to January of this year, you were then 17
20 years old?

21 A Yes.

22 Q And in the entire year of 2007, is it fair to say
23 you were 17 years old at that time?

24 A Yep.

25 Q Alesha, I'd like to talk this morning about a

Alesha Widdall - Direct

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1 person named Todd Broxmeyer. Do you know that person?

2 A Yes.

3 Q Can you tell us if you see Mr. Broxmeyer here in
4 the courtroom today?

5 A Yeah.

6 Q Can you just point to where he is for the record?

7 A (Indicating).

8 Q What's he wearing on top?

9 A White shirt and gold tie.

10 MR. LOVRIC: For the record identifying the
11 defendant.

12 THE COURT: Record will so reflect.

13 Q Alesha, how did you meet Todd Broxmeyer?

14 A At a field hockey camp.

15 Q And do you recall where that field hockey camp was
16 that you first met him?

17 A Babson College.

18 Q What was the college?

19 A Babson.

20 Q Okay. And where was that located, just what state?

21 A Massachusetts.

22 Q And about how old do you recall being when you
23 first met him?

24 A I was 15.

25 Q And in relation to the camp that you were at, what

Alesha Widdall - Direct

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1 was he doing at that place, location at that time, if you
2 know?

3 A He was a goalie coach at the camp.

4 Q Okay. And is that the first place that you ever
5 met him?

6 A Yeah.

7 Q And sometime after that did you then come to attend
8 practice sessions and go to practices where he coached girls
9 in field hockey?

10 A Probably like three months after that I contacted
11 him and started going to practice.

12 Q Okay. And where were the practice sessions when
13 you first started to attend and go to them?

14 A They were in Pennsylvania.

15 Q Okay. Do you recall what location, what place in
16 Pennsylvania?

17 A In Wilkes-Barre.

18 Q Okay. And did you attend those practices in the PA
19 area, did you go to them?

20 A Yeah, like once a month or something like that.

21 Q Okay. Did there come a time when you went to any
22 practice sessions at any other place besides in Pennsylvania?

23 A I went to Jersey couple times. Like couple months
24 after that I would go like once a month.

25 Q Okay. Do you remember the area in New Jersey that

Alesha Widdall - Direct

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1 they were held at?

2 A Not really.

3 Q Okay. And in addition to attending sessions in New
4 Jersey, did there come a time when the practice sessions were
5 also held here in the Southern Tier area?

6 A Yeah.

7 Q Where were the practice sessions when they started
8 to be held here in the New York area, where were they held up
9 here?

10 A At the community Sportsplex.

11 Q Okay. Is that the Sportsplex on Robinson Hill
12 Road?

13 A Yeah.

14 Q And did you attend practice sessions there as well?

15 A Yep.

16 Q Were there any practice sessions held anywhere else
17 in addition to the Sportsplex in this area that you went to?

18 A The Binghamton Hill Top -- or, not Hill Top but the
19 Binghamton Roof Top.

20 Q Is that over behind the high school, has like an
21 astro turf?

22 A Yeah.

23 Q Now, Alesha, when you attended these practice
24 sessions for field hockey, was Todd Broxmeyer running these
25 practice sessions?

Alesha Widdall - Direct

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1 A Yeah.

2 Q And did you meet a lot of other girls about your
3 age who also attended these sessions?

4 A Yeah.

5 Q Where were some of these other girls from?

6 A Just from around this area. Like Whitney Point,
7 Vestal. I mean, there was some from Sidney, Marathon.

8 Q Okay. Other girls who played high school field
9 hockey also?

10 A Yeah.

11 Q And the practices that you were talking about you
12 first started practicing, about how old were you when you
13 first started practicing with Todd Broxmeyer sessions?

14 A I was 15. Well, here or in Jersey?

15 Q Anywhere when you first started.

16 A I was 15.

17 Q Okay. And then did you continue to practice from
18 time to time at his practice sessions all the way until you
19 graduated from high school?

20 A Yeah.

21 Q Now, when did you graduate from high school?

22 A In spring of '08.

23 Q So just this past spring?

24 A Yeah.

25 Q Okay. And if my math is correct, you were 18 when

Alesha Widdall - Direct

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1 you graduated, is that correct?

2 A Yes.

3 Q Now, I'm going to talk a little bit later about
4 2007 and the festival in 2007, but at that time you were how
5 old, Thanksgiving of '07?

6 A Seventeen.

7 Q Alesha, did there come a point in time in 2007 when
8 you began a sexual relationship with Todd Broxmeyer?

9 A Yes.

10 Q About when was that, just approximately?

11 A Spring.

12 Q Spring of 2007?

13 A Yes.

14 Q And you were 17 at the time?

15 A Yeah.

16 Q And how did that start? What happened between you
17 and him that first started down the road of this
18 relationship?

19 A Just like flirting and stuff that normal people do.

20 Q Okay.

21 A Along those lines.

22 Q Okay. If I could put it this way, who made the
23 first move between you and him?

24 A I don't really remember. It might have been me.
25 What do you mean like? Move like as in physical action or

Alesha Widdall - Direct

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1 move as in words?

2 Q As in physical action. Who was the first one to
3 make physical contact?

4 A Todd.

5 Q What happened, how did he do that?

6 A He just like leaned in and kissed me and then like
7 I kissed him back.

8 Q Okay. And do you recall where this was, at what
9 location?

10 A It was at the Sportsplex.

11 Q Okay. I take it this was in a private setting?

12 A Yeah.

13 Q There weren't other people standing around when you
14 guys did this, right?

15 A No.

16 Q And from there on did your relationship with him
17 develop into a sexual relationship?

18 A Yeah.

19 Q Did you and he engage in sexual intercourse after
20 that?

21 A Not that day but we did later on.

22 Q Okay. I didn't mean that day.

23 A Okay.

24 Q Subsequent to that were there events when you
25 engaged --

Alesha Widdall - Direct

141

1 A Yeah.

2 Q -- in sexual intercourse?

3 A Yeah.

4 Q Did the sexual relationship between Mr. Broxmeyer
5 and you, did that continue throughout the year of 2007?

6 A Yes.

7 Q And where, where were some of the places that you
8 and he engaged in sex, locations?

9 A At his apartment.

10 Q That's located where?

11 A Lisle.

12 Q Okay. And who lived at that apartment, to your
13 knowledge?

14 A Him and Lindsey.

15 Q Okay. Now, Lindsey, is it Lindsey Wilcox?

16 A Yeah.

17 Q Now, who is Lindsey Wilcox?

18 A His girlfriend.

19 Q She and he lived there together?

20 A Yeah.

21 Q I'm sorry?

22 A Yeah.

23 Q Now, did you know her separate and apart from Todd
24 Broxmeyer coaching sessions, did you know her independent
25 like that?

Alesha Widdall - Direct

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1 A Yeah, I did.

2 Q How did you know her?

3 A She was PE teacher in my high school and the JV
4 coach.

5 Q What high school was that?

6 A Whitney Point.

7 Q Did she, while at Whitney Point did she also coach
8 field hockey?

9 A For Whitney Point?

10 Q I'm sorry?

11 A For Whitney Point?

12 Q Yes.

13 A Yeah.

14 Q To your knowledge, while you were -- while you and
15 Mr. Broxmeyer had this sexual relationship, to your
16 knowledge, did Lindsey know of that?

17 A No.

18 Q Did Mr. Broxmeyer make attempts not to have her
19 learn of your relationship with you?

20 A Yes.

21 Q Okay. Do you understand what I'm saying?

22 A Yeah, I do. It was just confusing.

23 Q Poor worded question?

24 A Yeah.

25 Q Did he do things to keep that information from her?

Alesha Widdall - Direct

143

1 A Yeah.

2 Q Alesha, during the times, events when you and Todd
3 Broxmeyer would engage in sexual acts, were there photographs
4 taken?

5 A Yes.

6 Q How did that start and how did that continue?

7 A It only happened like, maybe like three times, it
8 was just in the moment kind of thing.

9 Q Okay. What kind of camera was used?

10 A It was my cellphone.

11 Q Were pictures taken of sexual acts between
12 Mr. Broxmeyer and you?

13 A Yeah.

14 Q Was there an occasion when he used his cellphone to
15 take pictures of that activity?

16 A One time I think.

17 Q And he used, I take it, his camera cellphone?

18 A Yeah.

19 Q And these pictures that were taken, would he and
20 you at some point look at them afterwards?

21 A Maybe like once, but we didn't save them, we just
22 erased them.

23 Q Where do you recall pictures being taken during
24 sexual contact between you and him, at which places?

25 A Just the apartment.

Alesha Widdall - Direct

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1 Q The apartment over in Lisle?

2 A In Lisle.

3 Q That you described?

4 A Yeah.

5 Q Now, the pictures that were taken of Mr. Broxmeyer
6 and you, did Mr. Broxmeyer ever talk about photographing or
7 taking of pictures with you?

8 A Like of us together?

9 Q With you together or with you alone.

10 A What do you mean?

11 Q Well, did he ever ask you to take pictures of
12 yourself send them to him?

13 A Not like -- not like directly. It was just like I
14 kind of offered, I guess.

15 Q Well, how did those conversations go between you
16 and him?

17 A I don't really remember. It was just like we
18 would -- would be talking about something sexual and then
19 like send a picture. And just go along with the
20 conversation, I guess.

21 Q Okay. Did you and he have texting going back and
22 forth where it is sexual in nature?

23 A Yeah.

24 Q During that texting, would he ever send you
25 sometimes on occasion a picture of himself?

Alesha Widdall - Direct

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1 A Yeah.

2 Q What kind of pictures of himself did he send to
3 you?

4 A His penis.

5 Q Okay. Alesha, I'd like to show you Exhibit 2, page
6 2. Could you take a look at that monitor? Do you see that
7 photograph?

8 A Yep.

9 Q Do you recognize that picture?

10 A Yeah.

11 Q What is that a picture of?

12 A Him.

13 Q Him being Mr. Broxmeyer?

14 A Yeah.

15 Q During times that you and he texted, did he on
16 occasion send you a picture of that?

17 A Yep.

18 Q Alesha, I'd like to show you Exhibit 1, page 1. Do
19 you see that photograph?

20 A Yeah.

21 Q Who is that a picture of?

22 A That's myself.

23 Q That's a picture of you in the shower and you have
24 your hand on or near your vagina?

25 A Yep.

Alesha Widdall - Direct

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1 Q Who took that picture?

2 A I did.

3 Q And did you at any point send that picture to Todd
4 Broxmeyer?

5 A Yep.

6 Q Did he say anything about that picture?

7 A He might have but I don't remember specifically.

8 Q Did he ever make any comments, any time when you
9 sent him the photograph of yourself nude, did he ever make
10 any comments like that's nice or that's hot or anything of
11 that sort?

12 A Yeah, probably.

13 Q I'll show you Exhibit 1, page 3. Do you see that
14 picture?

15 A Yep.

16 Q Who's that a picture of?

17 A Myself.

18 Q And did you take that picture?

19 A Yep.

20 Q And did you send that picture via texting to Todd
21 Broxmeyer?

22 A Yes.

23 Q Did he say anything about that photograph?

24 A Probably along the same lines as what you were
25 saying.

Alesha Widdall - Direct

147

1 Q Said something to you along the lines nice, hot
2 or --

3 A Yeah.

4 Q He liked that?

5 A Yeah.

6 Q In the time that these two pictures were taken and
7 sent to Mr. Broxmeyer, that was when you were 17 years old?

8 A Yeah.

9 Q During the time that you had this relationship with
10 Todd Broxmeyer, did you come to learn whether he liked these
11 kind of pictures, the kind that you were sending him?

12 A Yeah, he did.

13 Q How did you know he liked these pictures?

14 A Because he said he did.

15 Q Okay. I'd like to show you Government's Exhibit
16 Number 1, page 5. Okay. Do you see that picture?

17 A M-m h-m-m.

18 Q Did you ever see that picture before?

19 A Yeah.

20 Q Who showed you that picture?

21 A Todd did.

22 Q Mr. Broxmeyer?

23 A Yeah.

24 Q Do you recall where you were when he showed you
25 that picture?

Alesha Widdall - Direct

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1 A We were in his car on the way to Jersey.

2 Q And it was just you and him in the car?

3 A Yeah.

4 Q And how was he showing you this picture?

5 A On his phone.

6 Q Okay. And if you know, was it on his phone or did
7 he retrieve it from somewhere using his phone, if you know?

8 A He used it from his Verizon Pix account.

9 Q How do you know he went into his Pix account?

10 A Because I could see him like type in the password
11 for it.

12 Q Did you know the password?

13 A No.

14 Q Did you know that he had a Verizon Pix account?

15 A Well, not until that day but then I did.

16 Q Okay. So Mr. Broxmeyer shows you this picture,
17 Exhibit 1, picture 5. He shows this to you?

18 A Oh, yeah.

19 Q And what did he say when he showed you this
20 picture?

21 A Look at this.

22 Q Now, before he said anything more, did you know who
23 this was before he said anything to you?

24 A No.

25 Q Did he tell you who this was?

Alesha Widdall - Direct

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1 A Yeah.

2 Q Who did he tell you this was?

3 A Monica Gombita.

4 Q Okay. Now, did you know Monica prior to being
5 shown this photograph, did you know who she was?

6 A Yeah.

7 Q Who was Monica?

8 A A girl that came to the club team. She graduated.

9 Q Okay. And did Mr. Broxmeyer tell you how it was
10 that he came to have this close-up picture of Monica's butt
11 on his cellphone?

12 A Not specifically. I just figured she took it of
13 herself.

14 Q What made you believe that? What did he say about
15 it, about this photograph?

16 A Nothing really. He just showed it to me.

17 Q Okay. At any point in time with respect to Monica,
18 did Mr. Broxmeyer have any conversations with you that lead
19 you to believe that there was something that went on between
20 him and Monica Gombita?

21 A Yeah.

22 Q Okay. How did that conversation go?

23 A I just asked like personal questions about her and
24 like indirectly and he like kind of confirmed it, I guess.

25 Q What did you ask him?

Alesha Widdall - Direct

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1 A I asked if she had a fire crotch because she has
2 red hair.

3 Q Okay. You asked if her crotch was red like her
4 hair?

5 A Yeah.

6 Q What did Mr. Broxmeyer say?

7 A No, because she doesn't have any hair.

8 Q Okay. So he told you that she didn't have any
9 pubic hair?

10 A Yep.

11 Q In that area?

12 A Yeah.

13 Q I'm going to show you, Alesha, Exhibit 1, page 7.
14 Do you see that picture?

15 A Yep.

16 Q Do you know who that is?

17 A Yep.

18 Q Who is that?

19 A Katie Thorp.

20 Q And do you know what school Katie Thorp attended?

21 A Whitney Point.

22 Q Same high school as you did?

23 A Yes.

24 Q And did you ever see that picture before?

25 A Yeah.

Alesha Widdall - Direct

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1 Q Where did you first see that picture?

2 A On my cellphone.

3 Q Okay. How did this picture get to your cellphone?

4 A Todd sent it to me.

5 Q Mr. Broxmeyer sent you a picture of Katie Thorp?

6 A Yeah.

7 Q And what did he say about this picture when he sent
8 it to you?

9 A Look at this.

10 Q Did he say to you anything about how he got the
11 picture of Katie Thorp?

12 A No.

13 Q Alesha, I'd like to show you Exhibit 1, page 25.
14 Do you see that?

15 A Yep.

16 Q Have you seen this picture before?

17 A Yep.

18 Q When was the first time that you saw this
19 photograph?

20 A We were going on the bus to Philadelphia.

21 Q I'm sorry?

22 A We were going on the bus to Philadelphia.

23 Q A field hockey event?

24 A Yeah.

25 Q How did you first see this picture?

Alesha Widdall - Direct

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1 A On my phone.

2 Q Okay. And who sent it to you on your phone?

3 A Todd.

4 Q Mr. Broxmeyer sent you this picture?

5 A Yep.

6 Q And what did he say when he sent you this picture
7 you're looking at right now?

8 A Guess who?

9 Q And what did you do? Did you try to guess who it
10 was?

11 A I don't think I did with this one but --

12 Q Do you know who this is a picture of?

13 A Katie.

14 Q Katie Thorp?

15 A Katie Thorp.

16 Q Yes?

17 A Yes.

18 Q How do you know this is Katie Thorp?

19 A Because he told me.

20 Q Mr. Broxmeyer told you?

21 A Yes.

22 Q So he sends you this picture and has you guessing
23 and tells you who it is?

24 A Yeah.

25 Q I'd like to show you Exhibit 1, page 9. Do you see

Alesha Widdall - Direct

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1 that picture?

2 A Yep.

3 Q Who is that in the picture?

4 A Brittany Branco.

5 Q Who was Brittany Branco?

6 A A girl from Jersey that played on the club team.

7 Q And the photograph of Brittany Branco that we're
8 looking at, did you at some point receive this photograph on
9 your cellphone?

10 A Yeah.

11 Q And did you send this photograph to anybody after
12 you received it?

13 A I sent it to Todd.

14 Q Mr. Broxmeyer?

15 A Yeah.

16 Q And was there -- was there an event where
17 Mr. Broxmeyer had talked to you about whether you could get a
18 photo like this of Brittany Branco?

19 A Not of her specifically.

20 Q But what was -- if you can, what was he asking you
21 to do with respect to getting photos like this?

22 A It was like a challenge, and then he would be like,
23 I challenge you to get someone's boobs, and then this case I
24 was like, oh, I bet I can get Brittany Branco, and then
25 that's how that happened.

Alesha Widdall - Direct

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1 Q So Mr. Broxmeyer challenged you to get a picture of
2 a girl with her boobs showing?

3 A Yeah.

4 Q And then were you able to have Brittany send this
5 to you?

6 A Yeah.

7 Q And you sent it to him?

8 A Yep.

9 Q And what did he say after you sent him this
10 picture?

11 A I don't remember.

12 Q Did he say anything complimentary? Did he say nice
13 work, or nice job, or looks nice or anything like that sort?

14 A He might have but I really don't remember
15 specifically.

16 Q Okay. Did Mr. Broxmeyer, by the way, ever say to
17 you, Alesha, please stop sending me those photos?

18 A No.

19 Q I'm going to show you Exhibit 1, photo number 11.
20 Do you know who that is?

21 A Yeah.

22 Q Who is that?

23 A My friend Chelsea Wheeler.

24 Q Do you know where that photo was taken?

25 A In the Whitney Point High School bathroom.

Alesha Widdall - Direct

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1 Q Okay. And did you send this photo to anybody?

2 A I sent it to Todd.

3 Q Mr. Broxmeyer?

4 A Yep.

5 Q Can you please tell the members of the jury how it
6 was and why it was that this picture was sent to Todd
7 Broxmeyer?

8 A Because I played a joke on him because we were
9 going to do a threesome and then I was like, oh, I have this
10 perfect girl, and then like he didn't believe me obviously
11 because I wouldn't -- but -- and I was like I had to put a
12 name to the face, so I just took a picture of my friend and
13 she knew about it and then I sent it to him.

14 Q Let me talk a little bit more about Mr. Broxmeyer
15 believed that you were going to do a threesome with him?

16 A Yeah.

17 Q What does that mean, threesome?

18 A There's three people involved sexually.

19 Q Okay. And was this something that he talked with
20 you about?

21 A He just like mentioned it, and then I like ran with
22 the idea, with the idea that I could pull a joke off on him.

23 Q Did he think that you were going to do a threesome?

24 A I doubt it because I lied all the time, but that's
25 why I had to prove a picture.

Alesha Widdall - Direct

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1 Q But you and he talked about doing a threesome
2 having sex?

3 A Not like legitimately.

4 Q Well, how was it? What was it?

5 A It was just like in the air joking around like, oh,
6 I'm going to fly to the moon. It was just like something he
7 would say.

8 Q Okay. Well, when he's talking to you about or
9 you're talking to him about threesome and sending you these
10 pictures, he sending you pictures of players either naked and
11 back and forth, does he ever say or does he ever lead you to
12 believe he wants you to stop doing this or he wants you to
13 stop sending these photographs or engaging in this kind of
14 activity?

15 A No.

16 Q I'm going to show you, Alesha, Exhibit 1, picture
17 number 15. Do you see that?

18 A Yep.

19 Q When did you first see that picture?

20 A I don't remember the date.

21 Q I mean, how did you first see it?

22 A On my phone.

23 Q Who sent you this picture?

24 A Todd.

25 Q And did Mr. Broxmeyer tell you where he got this

Alesha Widdall - Direct

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1 picture from?

2 A Brittany Branco sent it to him.

3 Q You mentioned that on one of the occasions, one of
4 the pictures, specifically the one with Brittany Branco, that
5 it was this challenge, that he challenged you to get a photo?

6 A Yes.

7 Q Did he do that on one or more occasions?

8 A Yeah. It was kind of like a game I guess we would
9 play. Like I would challenge him to do things as well but --

10 Q So he would say, I challenge you to get me a
11 picture of so and so or a picture of such and such?

12 A Yeah.

13 Q Showing you Exhibit 1, photo 21, or page 21. Do
14 you see that picture?

15 A Yep.

16 Q Okay. Who is that?

17 A Crystal Bianco.

18 Q And did Mr. Broxmeyer challenge you to get that
19 photograph?

20 A Yeah.

21 Q Did you send him that photograph?

22 A Yep.

23 Q I'm showing you Exhibit 1, page 43. Do you see
24 that photograph?

25 A Yeah.

Alesha Widdall - Direct

158

1 Q Who is that a picture of?

2 A Brittany Bendick.

3 Q And was Brittany Bendick a field hockey player?

4 A Yeah.

5 Q And who first showed you that photograph?

6 A Todd.

7 Q And just, Alesha, for the record, when he had been
8 showing you these pictures, are they through his cellphone
9 that he's showing you these photos?

10 A Well, he sent this to me.

11 Q Other than when he sends you a photo but when he
12 shows it to you, it's always on his cellphone or on some
13 other device?

14 A No, it's all on a cellphone.

15 Q When he sends it to you, is it always through a
16 text message attachment?

17 A Yeah.

18 Q So this photo number 43, does this show you or send
19 you this picture?

20 A Send.

21 Q And does he tell you who it is?

22 A Yeah. Well, I don't remember if it was like a
23 guess but I figured it out.

24 Q Okay. So sometimes he would send you a photo and
25 say guess who, and you would try to guess who the girl was?

Alesha Widdall - Direct

159

1 A Yeah.

2 Q On that car ride to New Jersey on that occasion,
3 did he show you one or more than one picture on his cell from
4 that Pix account?

5 A More than one.

6 Q Okay. Did you see some pictures on there that you
7 didn't recognize or didn't know who they were?

8 A Yeah.

9 Q These pictures that he was showing you, were they
10 the kind of pictures that you identified here today?

11 A Yeah.

12 Q And did Mr. Broxmeyer say anything about his Pix
13 account, why he kept these photos in his Pix account?

14 A Just to have, I guess. He didn't really say.

15 Q Okay. During the time that you had this
16 relationship with Mr. Broxmeyer, did you -- did you know or
17 come to believe whether or not he enjoyed these pictures?

18 A I'm sure he did.

19 Q What makes you believe that?

20 A I don't know. Because he didn't not ask for them,
21 like he didn't say I don't like these.

22 Q Okay. Now, you went to festival in Thanksgiving
23 time of 2007?

24 A Yeah.

25 Q And festival in 2007, where was it also that year?

Alesha Widdall - Direct

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1 A What?

2 Q Where was the festival held that year?

3 A California.

4 Q Okay. And so you traveled to California?

5 A Yep.

6 Q And Todd Broxmeyer, did he travel out there as a
7 coach?

8 A Yeah.

9 Q And were there a number of other field hockey
10 players, girls from this area and New Jersey that went out
11 there?

12 A Yeah.

13 Q And while you were out there in California, did you
14 engage in any sexual act with Todd Broxmeyer?

15 A Yeah.

16 Q Where was that?

17 A In the hotel.

18 Q Okay. In his hotel room?

19 A Yeah.

20 Q Was he staying alone in the hotel or was somebody
21 staying with him?

22 A He was staying alone.

23 Q And while you were there, were any pictures taken
24 out there either from your camera or cell camera or his cell
25 camera?

Alesha Widdall - Direct

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1 A No.

2 Q Now, did you at any point learn whether Todd
3 Broxmeyer was hitting on a girl named Katie Thorp?

4 A Yeah.

5 Q How did you learn or come to find that out?

6 A Because I don't remember specifically, but like you
7 could tell just because like I had been through -- like I had
8 been hit on. I knew like what was up, I guess, so and then
9 like maybe at one point he asked me what do you think of her?

10 Q Okay. So you went through that process where he
11 was hitting on you and you knew he was hitting on you?

12 A Yeah.

13 Q And you observed things like that happening with
14 Katie Thorp?

15 A Yeah.

16 Q Did you observe Todd Broxmeyer ever hitting on any
17 other girl players?

18 A I don't know about hitting on, but you could like
19 tell with the girls' like actions that it was happening
20 anyway. Like it might not have been in my face but it was
21 definitely like you could see it.

22 Q Okay. At the practice sessions?

23 A Yeah.

24 Q The cellphone, your cellphone, times that you and
25 he took pictures, that cellphone was the LG cellphone that

Alesha Widdall - Direct

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1 you had, is that correct?

2 A Yeah.

3 Q And at some point did the police actually take a
4 picture of the back of that cellphone?

5 A Yeah.

6 Q Alesha, I'd like to show you Exhibit 1, page 37.
7 Do you see that photo?

8 A Yep.

9 Q Where did you first see that photo?

10 A That was the same trip to Jersey.

11 Q Who showed you that photo?

12 A Todd.

13 Q And did he tell you where he got this photo from?

14 A He said he got it from a coach in Jersey.

15 Q From another coach in New Jersey?

16 A Yeah.

17 Q Did he say that that coach sent it to him?

18 A Yeah.

19 Q Alesha, just an approximation, about how many total
20 pictures would you say were taken during the entire time that
21 you and Todd Broxmeyer engaged in any kind of sexual act,
22 just approximation?

23 A Of me or of me and him?

24 Q Both of you and/or you and him.

25 A Probably around 15 then.

Alesha Widdall - Direct

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1 Q Alesha, your relationship, sexual relationship with
2 Mr. Broxmeyer, did that end when he was arrested on these
3 charges related to this matter?

4 A Yeah.

5 Q So your relationship with him continued up until
6 December 22 of 2007?

7 A Yeah.

8 MR. LOVRIC: Those are all the questions I
9 have, your Honor.

10 THE COURT: Okay. We're going to take a
11 break, ladies and gentlemen.

12 (Jury excused).

13 (Jury present).

14 THE COURT: Okay, Mr. Kilker.

15 MR. KILKER: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. KILKER:

18 Q Good morning, Alesha.

19 A Good morning.

20 Q My name is attorney Patrick Kilker. Have you and I
21 ever met before?

22 A No.

23 Q Have you met with the prosecution in this case?

24 A Yes.

25 Q And you discussed the case with them in detail?

1 A Yeah.

2 Q But you and I never spoke about this, right?

3 A No.

4 Q I'm going to ask you some questions about what you
5 testified to here today and I'm also going to specifically
6 focus on some of the photographs that were introduced and
7 that you identified, some of them being of yourself. Okay?

8 A M-m h-m-m.

9 Q If you don't understand my question, let me know
10 and I'll be happy to rephrase it. Okay?

11 A Okay.

12 Q You indicated that you first met Mr. Broxmeyer in
13 Massachusetts, is that right?

14 A Yeah.

15 Q And that was at a hockey seminar of sorts?

16 A Yeah. It was a field hockey camp.

17 Q And what year was that, if you remember?

18 A 2005 maybe.

19 Q Was that your first involvement with field hockey?

20 A With field hockey?

21 Q Yes.

22 A No.

23 Q You've been playing before that?

24 A Yeah.

25 Q And how was it that you came to go to the camp in

1 Massachusetts?

2 A Coaches around the area told me that it was a
3 really good camp to go to.

4 Q When you arrived you met Mr. Broxmeyer, and he was
5 acting in an official capacity as the coach or something?

6 A Yeah.

7 Q How long was he coaching you in Massachusetts?

8 A Just three days.

9 Q So it was very short seminar sort of thing?

10 A Yeah.

11 Q And after that, you indicated at some point in time
12 you went to the Sportsplex on Robinson Hill Road?

13 A Yeah.

14 Q In the Southern Tier area?

15 A Yeah.

16 Q Mr. Broxmeyer, again was he coaching that
17 particular league?

18 A Yeah.

19 Q Do you know how it is that Mr. Broxmeyer went from
20 Massachusetts to New York?

21 A Well, he didn't live in Massachusetts. It was just
22 like a camp and like coaches would come around from around
23 the United States, I guess, and then they would go back to
24 where they lived. And he lived in Jersey at the time.

25 Q New Jersey?

1 A Yeah.

2 Q Do you know what he was doing in New Jersey?

3 A I don't know his occupation, no.

4 Q At some point in time did he move to New York?

5 A Yeah.

6 Q And when did that happen?

7 A Probably eight months to a year after I met him.

8 Q And so that would make it 2006, would that be fair
9 to say?

10 A Yeah.

11 Q And he continued to coach you on a regular basis?

12 A Yeah.

13 Q And that was sort of traveling sports, like
14 practice type situation?

15 A Yeah.

16 Q Girls from the area, Southern Tier regional, would
17 meet at the Sportsplex and practice their field hockey
18 skills?

19 A Yep.

20 Q And what other things did Todd do besides coaching?
21 Did he sell equipment, things that you need to play field
22 hockey?

23 A Yeah.

24 Q If you didn't have a stick, he could sell one to
25 you, that kind of thing?

1 A Yep.

2 Q Now you indicated that he was living at some point
3 in time with his girlfriend, Lindsey Wilcox?

4 A Yeah.

5 Q How do you know Lindsey Wilcox?

6 A How do I know her? She was my gym teacher at
7 Whitney Point.

8 Q And you knew that the two of them had a
9 relationship?

10 A Yeah.

11 Q And at some point after you turned 17, you had a
12 relationship with Mr. Broxmeyer?

13 A Yeah.

14 Q During your testimony the prosecution asked who
15 made the first move, and then he clarified with saying who
16 made the first physical move. I'm going to ask you a
17 different question. Who made the first verbal move?

18 A I would say I did.

19 Q In what way? What did you do?

20 A Because like I was very open with like sexual
21 things, and like I would just make sexual innuendoes, if
22 that's how you say that word, but so like I would just talk
23 about stuff like that. And like when it first started, he
24 would just like -- it would like kind of roll off of him, I
25 would say something like sexual, he would just like laugh, he

1 wouldn't say anything in response.

2 Q And how long would you say you were making sexual
3 innuendoes to Mr. Broxmeyer before you got some sort of
4 response?

5 A Probably about a month and a half, maybe two
6 months.

7 Q There came a point in time the two of you were
8 alone at the Sportsplex and you kissed him?

9 A Yeah.

10 Q And then things escalated from there, is that fair
11 to say?

12 A Yeah.

13 Q Now, during the course of your relationship, the
14 prosecution has made note that you had intercourse with
15 Mr. Broxmeyer.

16 A Yeah.

17 Q And during the course of your relationship with
18 him, some photographs were taken?

19 A Yep.

20 Q And those photographs were voluntary?

21 A Yeah.

22 Q And did you take the majority of those photographs?

23 A Yes.

24 Q Did Mr. Broxmeyer ask you to take those
25 photographs?

1 A Not directly.

2 Q So would it be fair to say that you liked to send
3 him photographs?

4 A Yeah.

5 Q See what his response would be?

6 A Yeah.

7 Q And that the photos that you took of yourself, did
8 he specifically ask you for these photos?

9 A Not specifically, no.

10 Q I'm going to show you what photos we're talking
11 about, and I don't mean to embarrass you, but I just want to
12 be sure that we all understand which photos are related to
13 this particular case. I'm going to show you what's been
14 marked as Government's Exhibit Number 1, photo number 1. Is
15 that a photo that you sent to Mr. Broxmeyer?

16 A Yeah.

17 Q And that photo you took yourself?

18 A Yep.

19 Q And Mr. Broxmeyer did not ask you for that photo,
20 did he?

21 A I don't remember specifically.

22 Q Did he coerce you or threaten you in any way?

23 A No.

24 Q And, in fact, you made a statement to the police
25 that all of the photos that were sent were sent voluntary, is

1 that right?

2 A Yeah.

3 Q And he in no way forced you to do anything against
4 your will?

5 A No.

6 Q I'm going to show you what's been entered into
7 evidence as Government's Exhibit Number 1, photo number 2.
8 Is that also a photo that you sent to Mr. Broxmeyer?

9 A Yep.

10 Q And that photo, was that sent voluntarily?

11 A Yeah.

12 Q Without coercion or duress?

13 A Yeah.

14 Q Because that's what you wanted to do?

15 A Yeah.

16 Q Were those photos taken on the same day, if you can
17 recall?

18 A I don't think those two were.

19 Q They were sent on separate occasions?

20 A Yeah.

21 Q Now, once that you and Mr. Broxmeyer began your
22 relationship, did you send photos to his cellphone on a
23 regular basis?

24 A Define regular.

25 Q Well, let's take a look here. How often would you

1 say you sent photos?

2 A In the beginning it was like more, and then like
3 during like the middle of the part not so much, and then at
4 the end more.

5 Q And were those photos that you sent because you
6 wanted to send them?

7 A Yeah.

8 Q He entice you in to sending those photos?

9 A No.

10 Q Now, I'm going to show you what's been entered into
11 evidence as Government's Exhibit 1, photograph number 5. I
12 believe that you identified that as Miss Gombita?

13 A Yeah.

14 Q Is that right? And that was identified to you
15 through Mr. Broxmeyer, is that right?

16 A Yeah.

17 Q And he told you who that was?

18 A Yeah.

19 Q Did he tell you how that photo got on his
20 cellphone?

21 A No.

22 Q Did he tell you whether he asked for this
23 photograph?

24 A No.

25 Q Did he tell you whether Miss Gombita sent it to him

1 freely and voluntarily?

2 A No.

3 Q And Mr. Broxmeyer ever ask you to send him photos
4 of you or anyone that you knew engaged in sexual activity?

5 A No.

6 Q There were a couple of photographs that you
7 identified as -- that were of girls' breasts. And
8 specifically you identified two people as you knowing who it
9 was. Exhibit 1, photo 21. I'm going to show you that photo
10 again. Do you recognize that photo?

11 A Yep.

12 Q And how do you recognize that photo?

13 A What do you mean?

14 Q Where have you seen it before?

15 A On my phone.

16 Q Somebody sent that to you?

17 A Yeah.

18 Q And you identified that person as being Crystal
19 Bianco?

20 A Yes.

21 Q Who is Crystal Bianco?

22 A She's one of my friends.

23 Q How old was she when this photograph was taken?

24 A Seventeen or 18.

25 Q Do you know how old specifically she was?

1 A No, I don't know.

2 Q And when you received that photo from Crystal, she
3 sent that to you voluntarily?

4 A Yeah.

5 Q And you forwarded that to Mr. Broxmeyer?

6 A Yeah.

7 Q And you had some ongoing sort of game or joke or
8 whatnot whereby you would send him photographs of other girls
9 that you knew?

10 A Yeah.

11 Q And did he specifically request that you get the
12 photos of Crystal Bianco?

13 A Not specifically of her, no.

14 Q How about Brittany Bendick?

15 A Brittany Bendick?

16 Q Yes.

17 A I didn't get that photo.

18 Q You didn't have a photo of Brittany Bendick. Who
19 is the other person you identified whose chest was in the
20 photograph besides Crystal Bianco? The government showed you
21 a photo.

22 A I don't know.

23 Q Do you know the age of the girls that were involved
24 in these photographs?

25 A In what photographs?

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1 Q In the photos of the chest.

2 A Of Crystal?

3 Q Yeah.

4 A I don't know. She's either 17 or 18.

5 Q And do you know Brittany Bendick?

6 A Yeah, I know her.

7 Q And did you identify during your direct examination
8 one of the photos being of her?

9 A Yeah, but I didn't get that picture.

10 Q You didn't get the picture?

11 A No.

12 Q How old was Brittany Bendick in that photo?

13 A She was like 20, maybe 19.

14 Q She wasn't a minor?

15 A No.

16 Q And the other photo of Crystal Bianco, you can't
17 say she was a minor there either, correct?

18 A No. I don't know.

19 Q Did Todd ever show you any photographs that were on
20 an iPod?

21 A No.

22 Q How about Lindsey, did she show you any pictures
23 that were on any iPods?

24 A Pictures on the iPod were like accidentally
25 discovered.

1 Q And what do you mean?

2 A Some girl on the team, because me and Todd had the
3 exact same iPod, exact same case, and I had pictures on my
4 iPod of like field hockey stuff, and so they thought it was
5 my iPod when they were looking at it and it was his iPod, and
6 they just saw like nakedness, and they didn't like look at
7 the pictures and then they asked like -- they told me about
8 it, so I'm a curious cat so I went and looked and then that's
9 how.

10 Q What did you observe on the iPod?

11 A I also did not look at the pictures specifically
12 but I knew it was the naked people.

13 Q Were you able to identify the participants, people
14 that were on the iPod?

15 A It was Lindsey.

16 Q Who is Lindsey?

17 A Wilcox.

18 Q Todd's girlfriend?

19 A Yeah.

20 Q And anybody else that you identified?

21 A No. I think it was just her.

22 Q Now, who is Brittany Branco -- Bianco?

23 A Wait, what?

24 Q Brittany Branco?

25 A Brittany Branco?

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1 Q Is that her name? Who is she?

2 A She was a field hockey player in Jersey.

3 Q And how old is Brittany?

4 A Now?

5 Q At the time that you took the picture -- you
6 received the picture from her?

7 A I think she was 18.

8 Q And you specifically asked Brittany for that
9 photograph?

10 A Yeah.

11 Q And she forwarded that to your cellphone?

12 A M-m h-m-m.

13 Q And then you voluntarily sent that to
14 Mr. Broxmeyer?

15 A Yeah.

16 Q Did Mr. Broxmeyer, to your knowledge, ask Miss
17 Branco for that photograph?

18 A No.

19 Q Did he solicit it from you? Did he say send me
20 this picture?

21 A No.

22 Q I'm going to show you what's been marked and
23 entered into evidence as Government's Exhibit Number 1, page
24 number 7. I believe you identified this girl as Katie Thorp?

25 A Yeah.

1 Q Do you know in that photograph who sent it?

2 A Some time in the middle of November or December of
3 '07.

4 Q Do you know the circumstances surrounding why Katie
5 Thorp sent that photograph?

6 A I have no idea.

7 Q You have no idea if she sent it voluntarily or
8 whether she was asked for the photo?

9 A No, I have no idea.

10 Q Now, you had indicated at least on a couple of
11 occasions or one occasion Todd sent you a photograph of his
12 penis, is that right?

13 A Yeah.

14 Q Was that after you were engaged in a relationship
15 with him?

16 A Yes.

17 Q Was that at your request?

18 A I don't know. Probably. I don't remember really,
19 honestly.

20 Q Were you offended?

21 A No.

22 Q And did you feel as though Todd was exploiting you
23 in any way?

24 A No.

25 Q The picture of Katie Wheeler that we just saw her

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1 in her underwear, did you see that photograph anywhere else?

2 A Wait, who?

3 Q I'm sorry, Katie Thorp.

4 A Did I see it anywhere else? Yeah, I did.

5 Q Where did you see it?

6 A This kid's phone at school.

7 Q And who is that? Is that a friend of hers or a
8 friend of yours?

9 A I think it was her boyfriend at the time. I don't
10 know if they're together or not.

11 Q Other people had that photograph as well?

12 A Yeah.

13 Q And you're sure that's the same photograph that you
14 saw?

15 A I'm positive.

16 Q On Todd's?

17 A Yep.

18 Q You also identified a photo of two girls,
19 apparently another hockey coach sent to Mr. Broxmeyer. Do
20 you recall that photo?

21 A Yeah.

22 Q And those girls, do you know how old they were in
23 that photograph?

24 A I don't even know who they are. I know they're
25 college girls so they obviously had to be over 18.

1 Q Just to refresh your recollection. This is
2 Government's Exhibit number 1, page 37. These girls here you
3 know to be college girls?

4 A Yeah.

5 Q Over the age of 18?

6 A Yeah.

7 Q And the photos that other than the ones that were
8 on Mr. Broxmeyer's phone, that you had identified as being
9 you in the shower, the other photos that were taken you
10 indicated were deleted from your cellphone?

11 A The photos of myself?

12 Q The photos that you took with Todd.

13 A Yeah. They were deleted.

14 Q And the photos that were sent to you, did you save
15 those or did you delete those?

16 A The photos with Todd?

17 Q Yes.

18 A I deleted them.

19 Q And you maintained a relationship with Todd up
20 until December of 2007?

21 A Yeah.

22 Q Now, you know Katie Thorp, right?

23 A Yeah.

24 Q And how do you know her?

25 A She's a girl at my school. Well, used to be at my

1 school.

2 Q And what school is that?

3 A Whitney Point.

4 Q And when this underwear photo was sent, how old was
5 Katie Thorp?

6 A Seventeen.

7 Q You discussed that you joked around with Todd about
8 a threesome?

9 A Yeah, yeah.

10 Q And Todd didn't seem to believe you, right?

11 A No.

12 Q You didn't think he believed you?

13 A No.

14 Q That's because you had indicated that you lied to
15 him quite a bit?

16 A Yeah.

17 Q About what kind of things?

18 A Everything.

19 Q You weren't very trustworthy?

20 A No. Like I don't trust anybody so I just lie.

21 Q What you're saying about the photographs and how it
22 was that they came on to Mr. Broxmeyer's cellphone, is that
23 truthful?

24 A Yeah.

25 Q And those were voluntary, you sent them without any

1 coercion, duress or enticement?

2 A Yep.

3 Q When you sent Todd the photograph of your friend,
4 and I'm going to show you the Government Exhibit, did he make
5 any comments to you?

6 A Of what picture? I don't know.

7 Q I'll show you the photo to help refresh your
8 recollection here. This is Government's Exhibit 1, photo
9 number 11. When that photo was sent, you sent that photo to
10 him not at his request, right?

11 A Yeah, because he didn't believe me.

12 Q And you basically said I'll take a picture and show
13 you I'm not lying to you, this is a friend of mine?

14 A Yeah.

15 Q And he wasn't asking you to take a picture of your
16 friend in the nude, was he?

17 A No.

18 Q And that was something that you sent because you
19 wanted him to believe you?

20 A Yeah.

21 Q Were any pictures of this young lady taken nude?

22 A No.

23 Q And were any requested by Mr. Broxmeyer?

24 A No.

25 Q Did you have any conversations with Katie Thorp

1 about the photographs that were sent to Mr. Broxmeyer?

2 A No.

3 Q And did you have any conversations with
4 Mr. Broxmeyer about Katie Thorp's photos that were on his --
5 on his cellphone?

6 A No.

7 Q The discussions you had regarding Katie Thorp with
8 Mr. Broxmeyer, you indicated that you believed that he was
9 interested in her in some way, is that right?

10 A Yeah.

11 Q Did you specifically ask him what it was that he
12 was interested in?

13 A No. I told him, I told him to not go with her,
14 like not even try.

15 Q Why is that?

16 A Because I think she has attention problems and I
17 just didn't think it would work out at all.

18 Q She cautioned him about -- you cautioned him about
19 who she was?

20 A Yeah.

21 Q Her character, that type of thing?

22 A Yeah.

23 Q And do you know if he was also coaching her at the
24 time?

25 A She like started coming like last couple weeks

1 before he went to jail and she didn't really even play. She
2 was just kind of there.

3 Q When did you first see her at the hockey
4 Sportsplex?

5 A Probably December of '07.

6 Q And how would you describe her behavior around
7 Mr. Broxmeyer?

8 A Very flirtatious.

9 Q Similar to what you had done?

10 A Yeah.

11 Q And did she seem to be in any way threatened by
12 Mr. Broxmeyer?

13 A No.

14 Q Would you say that she appeared to enjoy the
15 flirtatious?

16 A Yeah.

17 Q Were there other girls that also did similar
18 behavior, similar conduct with Mr. Broxmeyer?

19 A Yeah.

20 Q Who were those girls?

21 A Jackie Bendick, Jessica Croop, Kayla, I don't know
22 her last name.

23 Q Would it be fair to say that they had some sort of
24 crush on him, if you know?

25 A Yeah, of course.

1 Q Did you?

2 A Yeah.

3 Q And like the others, you liked the attention?

4 A Yeah.

5 Q The photographs that were sent by you to
6 Mr. Broxmeyer's cellphone, the government asked you if he
7 ever said to you please don't send these to me anymore. Did
8 he actively solicit those photographs from you? Did he say,
9 come on, Alesha, send me these pictures, I want to see them?

10 A No.

11 Q So these were things that you sent to him and what
12 he did with them was his business?

13 A Yep.

14 Q The government also asked you about some of the
15 comments that were made by Mr. Broxmeyer or asked you if
16 there were any comments made by Mr. Broxmeyer after he
17 received the photographs that you sent. Do you recall
18 specifically any comments that were actually made?

19 A Not specifically, no.

20 Q And those comments were not saved to any e-mail
21 account or text account or anything of that nature?

22 A No.

23 Q So, in general, how would you describe the
24 comments?

25 A They made you feel like, oh, I did something right.

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1 Q So, in other words, he didn't reject you for those?

2 A No.

3 Q But he didn't ask you for them either?

4 A No.

5 MR. KILKER: Can I just have a moment, your
6 Honor?

7 THE COURT: Yes, you may.

8 MR. KILKER: Thank you, your Honor.

9 Q Alesha, you traveled to California with
10 Mr. Broxmeyer and the hockey team for this festival, and that
11 occurred sometime in November of 2007, is that right?

12 A Yeah.

13 Q And what is the festival? Is that a hockey
14 convention, so to speak?

15 A Yeah. It's like where a bunch of field hockey
16 teams go and basically a lot of college coaches go and you
17 get showcased.

18 Q And showcased meaning what?

19 A Like if I went, like want colleges to watch me, see
20 if they're playing, see if they're interested and send me a
21 letter after the festival.

22 Q Now, we talked about and there's been discussions
23 labeling Mr. Broxmeyer as a coach. Did he have any control
24 over your play or tell you, you know, what to do during the
25 games and such?

1 A What do you mean?

2 Q In other words, you know, as a coach, typically
3 instruct the players as to what you want them to do?

4 A Well, yeah.

5 Q What was his involvement in that regard?

6 A At festival or just in general?

7 Q In general.

8 A He would set up like structures on how you're
9 supposed to pass, how you're supposed -- basically everything
10 about the game he would instruct, and he would do it at like
11 the way he would coach is how the national team plays, it's
12 higher level hockey players, and it was good and it got me
13 where I am now.

14 Q Was that a clinic of sorts almost?

15 A Yeah, it was.

16 Q Specialized?

17 A Yeah, it was definitely specialized.

18 Q Because of that you were able to get a scholarship?

19 A Yes.

20 Q Now, did Mr. Broxmeyer promise scholarships to
21 players that were at the hockey club?

22 A No.

23 Q That was obviously up to you to earn it?

24 A He would give you the information, you had to take
25 it yourself and put in the efforts and basically do it

1 yourself.

2 Q Do you know if Todd promised to anyone the reward
3 of a scholarship for playing?

4 A No.

5 Q While you were engaged in practices or even before
6 or after practices, did you see any flirtatious behavior
7 between any of the players and Mr. Broxmeyer?

8 A Yeah.

9 Q At what kind of things did you observe?

10 A Just like comments, I guess, you'd say. Because I
11 mean, obviously, they're playing with like balls and sticks,
12 and I mean they have a lot of comments you could say about
13 that.

14 Q So girls would make comments about those things?

15 A Yeah, it would be like a back and forth thing
16 sometimes.

17 Q Joking?

18 A Yeah, joking.

19 Q Nothing serious?

20 A Yeah. And like players would do it like to each
21 other, I would do it to other players too, and then, you
22 know, like maybe he'd chip in something so it was like the
23 whole team kind of did it.

24 Q And there was no, again, no promises or reward for
25 anybody?

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1 A No. Not at all.

2 MR. KILKER: I have nothing further, your
3 Honor.

4 THE COURT: Mr. Lovric.

5 MR. LOVRIC: Just a couple of questions,
6 Judge.

7 REDIRECT EXAMINATION

8 BY MR. LOVRIC:

9 Q Alesha, Mr. Kilker just talked to you a little bit
10 about these photos that you obtained and sent on to Todd
11 Broxmeyer. Some of the photos that we talked about and that
12 you identified, you indicated that you got these photos after
13 Todd Broxmeyer gave you this challenge, is that correct?

14 A Yeah.

15 Q And if I understand correctly, this challenge was
16 he would say something like I challenge you to get me a
17 picture of somebody's boobs or challenge you to get a picture
18 of so and so, and then you would take on that challenge and
19 get that kind of photo, is that right?

20 A Yeah.

21 Q Is that a fair statement?

22 A Yeah. That's right. That's right.

23 Q I want to know if that's a fair statement?

24 A I was thinking while speaking.

25 Q And is it fair to say that some of those photos

1 that you obtained for him and sent to him was after he put
2 this challenge to you?

3 A Some of them, yeah.

4 Q Okay. Mr. Kilker asked you if Mr. Broxmeyer at any
5 point asked for photos, and you said not specifically. Do
6 you remember saying that?

7 A Yeah.

8 Q Okay. What I'd like to ask you is: Did he say
9 things to you either in texting in a way that lead you to
10 believe that he wanted you to send pictures of yourself to
11 him or that he liked you to send those pictures to him?

12 A I don't know.

13 Q Well, you said not specifically. Was there
14 something nonspecific that he would say or the way he would
15 say it?

16 A Well, he might have indicated but I don't remember
17 specifically. I could have just taken what he said, you
18 know, like confused words and been like, oh, he wants a
19 picture out of this. I just didn't want to lie in that case
20 because it could have happened but I don't know.

21 Q So it could have happened that he said things to
22 you that lead you to believe that he wanted you to send a
23 picture of yourself?

24 A Like when you say he lead me to believe, it means
25 he had the intent to me to believe. I could have misled his

1 words and lead myself to believe when he had no intention of
2 leading me to believe.

3 Q Did you ever think law school -- okay, I'll move on
4 to another question.

5 All the activity that we've talked about so far,
6 you were 17 at the time?

7 A Yeah.

8 Q And the activities dealing with the photographs of
9 Katie Thorp, she was 17 at the time, is that right?

10 A Yes.

11 Q And the pictures -- or, the picture, excuse me, of
12 Monica, did you know how old she was when Mr. Broxmeyer got
13 that picture of her?

14 A I don't know.

15 Q Okay. Now, Alesha, Mr. Kilker asked you a question
16 about after you had sent Mr. Broxmeyer photos of the kind you
17 described. And you said -- I'm just quoting, I'd like to ask
18 you about this: You said they made me feel like I did
19 something right?

20 A Yeah.

21 Q Do you remember saying that?

22 A Yep.

23 Q So if I understand correctly, when he would
24 sometimes pose this challenge to you and you would send him a
25 photo of the kind that he wanted, it made you feel good about

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1 doing that?

2 A Yeah.

3 Q Okay. And how old was Mr. Broxmeyer when you and
4 he engaged in this sexual relationship?

5 A When we started?

6 Q When you started and when it ended.

7 A Thirty-six. That sounds weird. Thirty-six and
8 then he turned 37.

9 MR. LOVRIC: Okay. That's all I have.

10 THE COURT: Mr. Kilker, anything further?

11 MR. KILKER: Just a few follow-ups, your
12 Honor.

13 RECROSS-EXAMINATION

14 BY MR. KILKER:

15 Q Alesha, I'd like to talk to you a little bit about
16 this so-called challenge that the government has indicated
17 that you were sort of engaged in with Mr. Broxmeyer. During
18 the course of your conversations with Mr. Broxmeyer regarding
19 this challenge, did he challenge you to get photographs of
20 minor girls?

21 A No. Never.

22 Q Did he ask you specifically for any particular
23 person's photograph?

24 A No.

25 Q In this challenge, so to speak, about you getting

1 pictures of boobs, that could be adults?

2 A Yeah.

3 Q It didn't really -- he didn't specify that he
4 wanted young girls?

5 A No.

6 Q Right. And, in fact, he didn't have any idea that
7 you'd be sending any pictures other than adults, is that fair
8 to say?

9 A Yeah. That's fair to say.

10 Q Now, we saw a photograph of Mr. Broxmeyer that was
11 sent to you by him. What were the circumstances surrounding
12 that photograph? Did you request the photograph?

13 A That one, yeah, I did.

14 Q And why did you request that photo?

15 A Because I like to draw and I was going to draw it.

16 Q So this was for an artistic purpose?

17 A Yeah.

18 Q You were going to draw a picture from the photo
19 that you asked Mr. Broxmeyer to send you?

20 A Yeah.

21 MR. KILKER: I have nothing further, Judge.

22 THE COURT: Mr. Lovric.

23 REDIRECT EXAMINATION

24 BY MR. LOVRIC:

25 Q You asked for that picture of his penis to draw?

1 A Yeah.

2 Q Every time he sent you one?

3 A Not every time, but that specific that you showed
4 or that you guys showed.

5 Q Okay. He sent you his penis picture several times,
6 right?

7 A Yeah. But the one that you guys showed, that one
8 specifically I asked for to draw.

9 Q Okay. But how about the other ones?

10 A It was probably a range between me asking and the
11 heat of the moment like when I was -- would send him
12 pictures.

13 Q So some of the penis pictures he sent you, he would
14 just send them to you to send them to you?

15 A It wasn't like out of the blue, like I'm in church
16 and he's sending me penis pictures. It was like, just like
17 we were in the heat of the moment, like we'd be texting back
18 and forth sexually, and then he would send me a picture and
19 then maybe I would reciprocate. It was never like sprung
20 upon me.

21 Q Okay. But him sending you penis pictures and you
22 sending him naked pictures of yourself?

23 A Yeah.

24 Q Happened sometime when you guys were texting and
25 texting sexual kind of stuff back and forth?

1 A Yeah.

2 Q Okay. And the pictures that we talked about of
3 Katie and Monica and yourself, obviously, Mr. Broxmeyer knew
4 your ages, right?

5 A Yes.

6 Q Because, I mean, he coached you and one of the
7 things when you travel is you have to show age because only
8 certain age girls can enter certain tournaments?

9 A Well, not all the girls traveled.

10 Q Okay. My question was: He knew your ages? Did
11 you ever provide him actually a certificate of birth, a birth
12 certificate?

13 A I don't know if I did. I don't think so.

14 Q Your parents?

15 A I don't think. I don't think we ever need to give
16 them a birth certificate. I mean, he might have not known, I
17 don't really know. I don't know. I mean, he -- obviously,
18 he might have known, he might have not known.

19 Q Alesha, he knew?

20 A No. I really don't know. He knew my age but I
21 don't know if he knew other people's age, that's what I'm
22 saying.

23 MR. LOVRIC: Okay. That's all.

24 THE COURT: Mr. Kilker, anything further?

25 MR. KILKER: No, your Honor.

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1 THE COURT: Thank you, Miss Widdall. You may
2 step down, ma'am.

3 (Witness excused).

4 MR. LOVRIC: Next witness will be Lance
5 Mueller.

6 THE COURT: Okay. He's going to come right
7 down.

8 THE CLERK: Sir, please come forward and state
9 your name for the record.

10 THE WITNESS: Lance Mueller.
11 LANCE MUELLER, having been called as a witness, being duly
12 sworn, testified as follows:

13 THE COURT: Okay. Mr. Lovric.

14 DIRECT EXAMINATION

15 BY MR. LOVRIC:

16 Q Good afternoon, Mr. Mueller. Just make sure you
17 speak into the microphone so the stenographer can get
18 everything.

19 A Okay.

20 Q Okay. Mr. Mueller, could you tell the members of
21 the jury again your full name, please?

22 A Lance Mueller.

23 Q And Mr. Mueller, do you have a daughter by the name
24 of Kayla?

25 A Yes.

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1 Q And how old is Kayla presently?

2 A Sixteen.

3 Q And without telling us specifically the addresses,
4 in what state do you, your daughter, your family reside?

5 A Pennsylvania.

6 Q And just approximately how long have you resided in
7 the State of Pennsylvania?

8 A All of my life.

9 Q And how about Kayla, your daughter?

10 A All of her life.

11 Q Mr. Mueller, I'd like to talk this afternoon about
12 a person by the name of Todd Broxmeyer. Do you know that
13 person?

14 A Yes.

15 Q Do you see Todd Broxmeyer in court today?

16 A Yes.

17 Q Could you just indicate where you see him?

18 A He's sitting on the far side.

19 Q What's he wearing on top?

20 A He's got a yellow tie on. Tan.

21 MR. LOVRIC: For the record identifying the
22 defendant.

23 THE COURT: Record will so reflect.

24 Q Mr. Mueller, at some point in time did you meet
25 Mr. Broxmeyer and become acquainted with him in relation, in

1 connection with your daughter Kayla playing field hockey?

2 A Yes, I did.

3 Q And about how old was Kayla when you and she got to
4 know Mr. Broxmeyer?

5 A She was 15.

6 Q And how was it, just generally speaking, if you can
7 describe for us, how was it that you came to become
8 acquainted with Mr. Broxmeyer?

9 A There's a national festival for field hockey out in
10 Palm Springs area in California, and as a freshman in high
11 school Kayla went out there with her club team. Club team
12 didn't do well the following year so there was no team that
13 she'd be able to go out to with last year. I sent an e-mail
14 to Karen Collins, who's the executive vice president of US
15 field hockey, asking for her recommendations, and she took my
16 e-mail with Kayla and e-mailed it out to some of the coaches
17 that had teams going out to festival. And at that time I had
18 probably half dozen coaches e-mail me back and expressed
19 interest in having Kayla come and try out. Todd was among
20 those six. And actually it was over Labor Day last year that
21 had her practice, invited us up for a tryout.

22 Q Okay. So that would be Labor Day of 2007?

23 A Correct.

24 Q And where did you and Kayla travel from and to for
25 this tryout?

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1 A From Allentown, Pennsylvania, to --

2 Q Where did you come to?

3 A To Binghamton, about three blocks away from here.

4 Q Okay. Do you remember the field or anything about
5 the field where you came to this tryout session?

6 A Tryout session was at, I believe it was a high
7 school. There's a parking lot underneath and then there's a
8 turf field on top of the parking lot, that's top of the
9 parking deck.

10 Q Okay. And is one of the schools here in
11 Binghamton?

12 A Correct.

13 Q And was that the first time that you actually met
14 Mr. Broxmeyer?

15 A Yes.

16 Q And prior to that meeting, had you spoken to him
17 either through e-mail or telephonic communication about Kayla
18 coming to try out for the team?

19 A E-mail and telephone.

20 Q And did Mr. Broxmeyer tell you what it was that he
21 was coaching, what kind of a program or team, generally
22 speaking?

23 A Yes. He gave me a little bit of background on
24 himself. He played on a men's national team and coached at
25 Wilkes College and other places.

1 Q Okay. And did you get any indication from him if
2 Kayla were to come and practice and play on what kind of a
3 team or where it would be oriented from that she would be
4 practicing and playing on?

5 A He had actually two teams that were in the
6 festival; a U19 and U16. And Kayla her freshman year played
7 for U19 team, so I kind of expressed more interest in the U19
8 team, but when we spoke it was more about come up, try out
9 and we'll see what the right placement is. One of Kayla's
10 friends also joined us, her name is Lauren Neil, and my
11 preference was actually keep the two of them on the same
12 squad at that time. After they tried out, it would probably
13 be better if both of them played on the U16 squad.

14 Q So this other girl Lauren, was she from that same
15 area?

16 A Same high school as Kayla.

17 Q And did Kayla and you and did Lauren also come up
18 on that tryout session?

19 A Yes.

20 Q And you believe that was approximately when of last
21 year?

22 A It was Sunday before Labor Day. It was probably
23 September 4, 5 area.

24 Q Okay. And thereafter did Kayla and Lauren, did
25 they thereafter actually then begin to attend practice

1 sessions with Todd Broxmeyer?

2 A Yes.

3 Q And the practice sessions that then went from, if I
4 could just put a time frame, from September through or into
5 December of 2007, were there practice sessions that were held
6 from time to time here in the Binghamton area?

7 A Most of the sessions prior to the festival, which
8 happened over the Thanksgiving period, were at this field
9 that we talked about a couple blocks away from here, and they
10 usually came up on maybe two, maybe three Saturdays during
11 the course of a month because it's a little hard when they
12 usually have a practice or game in the Allentown area and
13 come up here on Saturday. But both Kayla and Lauren were
14 interested in coming up for the practices.

15 Q Okay. So, prior to that festival -- now, was there
16 a festival tournament in 2007?

17 A Yes.

18 Q What month was that in?

19 A November.

20 Q And so prior to the November 2007 festival, if I
21 understand you correctly, most of the practices are here in
22 the Binghamton area?

23 A Most were. We actually attended two down in South
24 Jersey area and those were on Sunday.

25 Q Where in New Jersey were the couple practices that

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1 Kayla attended, just the general area if you remember?

2 A Mount Laurel area which is outside of Philadelphia.
3 East.

4 Q Now, the practice sessions that Kayla attended, did
5 Lauren attend the practice sessions as well?

6 A Yes.

7 Q And how would Kayla and Lauren get to the
8 Binghamton practice sessions?

9 A Either I would drive them back and forth or
10 Christine would drive them back, that would be Lauren's
11 mother.

12 Q So one of the parents, either you or Lauren's
13 parent, would do the driving?

14 A Correct.

15 Q And the practice sessions that you drove and came
16 up, would you leave or would you stay during the practices?

17 A I would stay.

18 Q Would you watch practices or go out and do some
19 kind of other things?

20 A For the most part I watch the practices. From time
21 to time I may have a phone call and probably walk downstairs,
22 but for the most part I was there.

23 Q Okay. Now, during this time period that we're
24 talking about, and I'll reference it from September and then
25 through December of '07, during this entire time frame Kayla

1 was how old?

2 A Fifteen.

3 Q And how about how old was her friend Lauren?

4 A Fifteen.

5 Q You indicated they went to school together?

6 A Yes.

7 Q During this time frame, would you at times observe
8 Mr. Broxmeyer on the field practicing with the girls?

9 A Yes.

10 Q Did you -- at any point did you get to know or
11 learn of a person named Alesha Widdall?

12 A Yes. She was at the first practice.

13 Q Did you get to know some of the other girls or you
14 know who they were, some of the other players?

15 A Of course.

16 Q Were some of the players at those practice sessions
17 from out of the Binghamton area, if you know? Like were they
18 from other areas in addition to the Binghamton area?

19 A I understand they drew from quite a few high
20 schools in this area. There are -- I know we had practice
21 that required some New Jersey girls to come up here.

22 Q Okay. Now, around the time frame of the festival
23 in November of 2007, did you plan to go out and attend the
24 festival?

25 A Yes.

1 Q Okay. And I take it Kayla, your daughter, was
2 going to be playing in this festival tournament?

3 A Correct.

4 Q And on what team was Kayla going to play in the
5 festival?

6 A Todd's U16 Devils team.

7 Q Was that Devils team, was that from here or was
8 that from down in New Jersey area?

9 A My understanding it was kind of pulled from both
10 areas, there was players from both areas. It's a club team,
11 so the practices were up here on Saturday and practices were
12 down there on Sunday. If you can make them both, great, if
13 you can make one, that's fine.

14 Q Okay. And did you and Kayla actually go to
15 California and attend the festival?

16 A Yes.

17 Q Now, at some point prior to traveling out there,
18 did you have any conversations with Mr. Broxmeyer about you
19 and he perhaps splitting the cost of a hotel room?

20 A Yeah. We spoke about it. We're very similar in
21 age and we both coached, I coach baseball, and we seem to hit
22 it off pretty well and I offered to share the same room
23 together.

24 Q What was Mr. Broxmeyer's reaction to that?

25 A He declined for two purposes. One, he was unsure

1 if his girlfriend at the time was going to be joining him,
2 and so to keep that possibility there. And more importantly,
3 that the room, his room was going to be kind of open for the
4 girls to come in and out of for food, drink, meetings, and
5 just didn't feel it to be fair for me to have a room there
6 and having all that interruption.

7 Q And did you and he end up rooming together at the
8 festival out in California?

9 A No.

10 Q You had your own separate room?

11 A Correct.

12 Q About how long was it that you and Kayla were out
13 in California?

14 A We were out there for a week.

15 Q And I take it Kayla played in the tournaments or
16 games that were held out there?

17 A Yes.

18 Q Did Kayla's friend Lauren travel to the festival or
19 not?

20 A Yes. She traveled with me. Her parents did not
21 make it and let Lauren travel with the three of us who
22 traveled.

23 Q So, at least when you went out there, you kind of
24 chaperoned Kayla and Lauren, if I can put it that way?

25 A Correct.

1 Q Now, the practices before and after the festival,
2 other than the two New Jersey practices you mentioned, the
3 others were all held up here in the Binghamton area?

4 A Yes. I know they had practices on Saturdays and
5 Sundays, but Kayla and Lauren for the most part partook in
6 the practices up here.

7 Q Okay. Did Kayla and Lauren ever practice at the
8 place called the Sportsplex?

9 A Yes.

10 Q Okay. Now --

11 A We were -- you're referring to the one up on the
12 hill?

13 Q Correct, up on a hill.

14 A Yes.

15 Q And if I understand it correctly, either you or
16 Lauren's, one of Lauren's parents would always transport
17 Lauren and Kayla up and back home from the practices?

18 A Always.

19 Q Okay. In December, specifically the weekend
20 December 8 of 2007, was there an event where a practice was
21 being held here and you were not able to and Kayla was not
22 able to be picked up from the practice here to come back
23 down? Do you recall that weekend?

24 A Yes.

25 Q What happened on that weekend as far as your

1 availability to transport Kayla back and forth or Kayla not
2 being able to get back and forth?

3 A Earlier in the week Kayla expressed interest in
4 going up for a practice session, and one of her friends from
5 the team, Jackie Bendick, offered to put her up for the
6 night, so I would just need to drop her off on Saturday
7 midday after her other responsibilities. She played for
8 another club team down in Pottstown, Pennsylvania, called
9 Excalibur, so she had practice in the morning, and we came up
10 in the afternoon on that particular day, but earlier in the
11 week -- Kayla expressed interest in coming up, but my issue
12 was really can't spend the night because my son, who's 9, was
13 serving his First Holy Communion on Sunday, December 9.
14 Actually, it was a practice but it was required and mandatory
15 for the parents to partake in the service that morning, so it
16 would be difficult for me to come up and pick her up in the
17 morning.

18 I said that wouldn't be a big issue as long as
19 Bendicks wouldn't mind keeping you to the afternoon and I can
20 come up maybe mid to late afternoon. Didn't seem like there
21 was a big issue with that. But I guess as things developed
22 in the course of that week, Todd Broxmeyer offered to, since
23 he's going to be traveling down to New Jersey for a Sunday
24 practice, that he could drop Kayla off at home. Again, I
25 believe he lived about five, ten minutes off of the exit for

1 Pennsylvania Turnpike downtown exit. It seemed reasonable,
2 however reluctant that we were.

3 Q So, at some point Mr. Broxmeyer offered to drive
4 Kayla back from the Southern Tier area here down to the
5 Allentown, Pennsylvania area?

6 A Yes.

7 Q And that would have been on the following day from
8 the practice, that would have been on the 9th?

9 A That would allow Kayla to attend the practice and
10 spend the night at Jackie's and get a ride home.

11 Q Okay. At that time, did that arrangement end up
12 being how your daughter came up for practice and then stayed
13 up here and then was driven back home the following day?

14 A Yes.

15 Q By that point in time, had you met Mr. Broxmeyer a
16 number of times, I take it?

17 A Yes.

18 Q And I take it at that point in time at least you
19 felt that that arrangement would work out or it seemed
20 reasonable?

21 A Yes.

22 Q Now, on September 8, which would have been a
23 Saturday, did you drive Kayla up?

24 A You said December 8?

25 Q I'm sorry. December 8, December 8 of 2007.

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1 A Yes, I drove her up on December 8.

2 Q Where did you drop her off when you drove her up?

3 A At Sportsplex.

4 Q And then at some point then did you leave and go
5 back home?

6 A Yes.

7 Q And your understanding was that that night she
8 would spend the night at the Bendick's house?

9 A Yes. I gave -- we moved Kayla's pillow and clothes
10 from my car to the Bendick's car.

11 Q Okay. And did you have contact or communication
12 with Mr. Broxmeyer that he would then drive her home to
13 Pennsylvania?

14 A Yeah. The day before and confirmed it. I don't
15 know exactly the time frame but it was either Friday or
16 Saturday. I know there was a lot of reluctance; Kayla, do
17 you really want to do this, do you really need to go up
18 there? And Lauren would not be making the trip that day so
19 it was just going to be Kayla.

20 Q Okay. You confirmed with him he would drive her
21 home?

22 A Yes.

23 Q Did Lauren, in fact, not make the trip, practice
24 session that weekend?

25 A No, she did not.

1 Q On December 9, Sunday December 9, was Kayla dropped
2 back off home by Mr. Broxmeyer?

3 A Yes.

4 Q Do you recall or do you know approximately when it
5 was, just a general time frame when she arrived home?

6 A Close to I would say probably around 11:45.

7 Q In the days after December 9, did you notice
8 anything different about Kayla?

9 A The first thing right off the bat we noticed is she
10 was dating a kid for about a year and she broke up with him
11 Sunday night, December 9. And then she just kind of pulled
12 away and she was -- she needed to get picked up December 10
13 in school, my wife had to pick her up from school because she
14 said she was throwing up. And just wouldn't talk about
15 things at that point. She's usually, traditionally very
16 open, and we noticed a big difference in homework not getting
17 done at that point either.

18 Q So, if I understand correctly, you saw behavioral
19 things with Kayla, she didn't seem to be physically there,
20 physically feeling well or --

21 A Out of her character.

22 Q Okay. Did you and your wife try to speak to her,
23 find out what was going on or what was troubling her?

24 A Yes.

25 Q Did she talk about it at that point?

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1 A No. She basically buried her nose in texting. I
2 almost told her, I said, you know, we'd like to keep an open
3 line of communications and obviously there's something going
4 through -- going on and -- just wasn't much communication.
5 She really didn't want to talk about it, talk about anything
6 in general.

7 Q Now, a few weeks after that weekend, December 8,
8 December 9 weekend, without getting into the conversation,
9 did Kayla disclose to you and your wife at some point
10 something that happened that weekend?

11 A Yes. Christmas Eve. She told us that Todd
12 Broxmeyer was arrested for --

13 MR. KILKER: Objection, your Honor.

14 THE COURT: Sustained.

15 Q Without getting into the conversation, I just want
16 to find out if she disclosed something that happened. Is
17 that correct?

18 A Yes.

19 Q Now, Mr. Mueller, I'd like to show you two
20 exhibits that I marked. I'm going to hand you both exhibits,
21 it's numbered 15 and 16. And Mr. Mueller, those two
22 exhibits, 15 and 16, generally speaking, do you recognize
23 what they are?

24 A They're the cellphone bills for my wife and Kayla's
25 listed on there as well. Kayla's phone is on there.

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1 Q So, in Exhibit 15, are those records for the
2 approximate months of December of '07 through January of '08?

3 A Yeah. These are -- 15 is, yeah, from December
4 through January.

5 Q Okay. So that would be December of '07 through
6 January of '08?

7 A Right.

8 Q And then 16, are those your family's telephone
9 records for phone usage from November of '07 into December of
10 '07?

11 A Yes.

12 Q And, in fact, did you provide copies of those
13 records to us?

14 A Yes.

15 MR. LOVRIC: Your Honor, I would offer
16 Government's 15 and Government's 16 into evidence.

17 MR. KILKER: Your Honor, I object to both on
18 being introduced as evidence. This is an improper witness to
19 lay the foundation for the introduction of the records that
20 would normally be kept in the course of business of AT&T.
21 They're his wife's records, not his records. And moreover,
22 they're being offered for the truth, that is that certain
23 texts were made to certain numbers.

24 THE COURT: Let's go to side-bar for a minute.

25 (At the Bench).

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1 THE COURT: Are you going to have a
2 foundational witness come in so I can admit these subject to
3 authentication?

4 MR. LOVRIC: I can, Judge. They're phone
5 records, his billing records. If you want me to bring an
6 AT&T person to say these are billing records, I'll do that.
7 Normally we don't just because it's a waste. If you want me
8 to do that, I'll do that, but it's AT&T records they send to
9 him as a bill, he gets the itemized listing. There's no
10 texting in it, it's simply his bill in showing what was
11 billed and what dates things were either made, calls made or
12 text messages made. But if you want an AT&T person here.

13 MR. KILKER: I don't need to waste the time on
14 that.

15 THE COURT: Otherwise, I'd sustain the
16 objection, because clearly it's hearsay and there's no
17 foundation laid. But if you guys agree they could come in
18 subject to not showing anything but dates and times that
19 calls for.

20 MR. KILKER: That's fine for that purpose.

21 MR. LOVRIC: Yeah. That's all I'm doing it
22 for.

23 (In open Court).

24 MR. LOVRIC: I would offer Government Exhibit
25 15 and 16, your Honor.

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1 THE COURT: All right. As I understand it,
2 the objection's been withdrawn, is that correct, Mr. Kilker?

3 MR. KILKER: Yes, your Honor, it is.

4 THE COURT: The Court will receive
5 Government's 15 and 16 in evidence.

6 BY MR. LOVRIC:

7 Q Mr. Mueller, at some point, after your discussions
8 with your daughter Kayla and at some point thereafter, did
9 you look at your records, the records we have in front of
10 you, 15 and 16, to look at specifically the telephone that
11 Kayla had utilized in terms of just contact and volume
12 between her telephone and Mr. Broxmeyer's telephone?

13 A Yes, I did.

14 Q Did you know from your communications
15 Mr. Broxmeyer's telephone, did you recognize that?

16 A Yes.

17 Q I take it you either spoke to him or called him or
18 he called you on occasions as well?

19 A Correct.

20 Q And your daughter Kayla's telephone number that she
21 utilized, was that a cellphone that she had?

22 A Yes, it is.

23 Q And of the phones for the family, which number was
24 hers from those records, if you know?

25 A The 7971 phone number, ends in last four digits

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1 7971.

2 Q 797?

3 A 7971, (610)739-7971.

4 Q Okay. And in looking at those records yourself,
5 did you notice a volume of texting that happened between
6 Kayla and -- Kayla's phone and Mr. Broxmeyer's phone prior to
7 December 8 weekend and then after the December 8 weekend?

8 A Before festival. During festival there might have
9 been maybe a dozen text messages between the two of them per
10 day, but a few days before the weekend of December 8, when
11 Kayla expressed interest of going up to New York, it
12 increased to about 50 to 60 a day. The day of December 9
13 there is 169 text messages between the two of them after he
14 dropped her off.

15 Q So that date after Mr. Broxmeyer dropped her off,
16 there was a considerable increase in volume of texting
17 between his phone and her phone?

18 A 169 is considerable.

19 Q Okay. And then after December 9, are there
20 additional numerous texts?

21 A It continued.

22 Q From Mr. Broxmeyer to her?

23 A It continued, not at 169 rate but probably around
24 50 to 60.

25 Q Okay. Okay.

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1 MR. LOVRIC: Those are all the questions I
2 have, your Honor.

3 THE COURT: Okay. We're going to have
4 cross-examination after lunch. It's past 12:30, ladies and
5 gentlemen. We'll see you back at 1:30 and we'll continue.
6 Court stands adjourned.

7 (Lunch break taken).

8 (Jury present).

9 THE COURT: All right, Mr. Kilker.

10 MR. KILKER: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. KILKER:

13 Q Good afternoon, Mr. Mueller. I'm attorney Pat
14 Kilker. I represent Mr. Broxmeyer. I have some questions
15 for you relating to your daughter. Okay?

16 As I understand it, you made it a matter of
17 practice to transport your daughter from Pennsylvania to New
18 York State for purposes of hockey practice, is that right?

19 A Correct.

20 Q And you would typically transport her or your wife
21 would, is that right?

22 A No. Either be myself or Lauren Neil's mother or
23 father.

24 Q And she would share in the transportation so that
25 the girls could get to practice?

1 A Correct.

2 Q And Lauren, she's a friend of your daughter's,
3 right?

4 A Correct.

5 Q And they live in the same vicinity?

6 A Yes.

7 Q And outside of September 9, 2007, did you typically
8 transport your daughter either to or from or have Lauren's
9 mom transport her to and from the hockey practice?

10 A I'm sorry. The date you're using is September 9.

11 Q I'm sorry, it should be December. December 9,
12 2007.

13 A Outside of those days, that date, it was either
14 Lauren's mother or father or myself that would transport them
15 back and forth.

16 Q How often would you transport the girls?

17 A Two, three times a month.

18 Q And would you also transport them to New Jersey?

19 A As I said, we did it twice prior to festival. I
20 did it once and Christine Neil did it once.

21 Q Initially, you met Mr. Broxmeyer as a result of
22 attempting to get your daughter into a program designed to
23 enhance her skills for field hockey, is that right?

24 A We went up there with the sole idea of going to
25 festival, it was a tryout for festival team.

1 Q That's the festival that's in California where
2 basically girls showcase their talents?

3 A Yes.

4 Q And, in fact, you did go to the festival, right?

5 A Yes.

6 Q When you went to the festival, initially you
7 indicated that you asked Todd if he would room with you?

8 A Correct.

9 Q And due to the fact that either, A, his girlfriend
10 would be there and, B, there would be activity in and out, he
11 thought it best if you had your privacy, is that right?

12 A It was more the latter than the first. Because he
13 really didn't believe his girlfriend was going to be
14 attending.

15 Q And to avoid all the activity, he simply suggested
16 that you get a room, he'll get a room, and you did that?

17 A Correct.

18 Q Now, when you were first going to the practices,
19 did you stay during the course of the practices or did you
20 just do transportation?

21 A No. I stayed.

22 Q And you were able to observe Mr. Broxmeyer interact
23 with the girls?

24 A Yes.

25 Q And as you observed his interaction with the girls

1 during practice, did that raise any suspicions in you or did
2 you have any concerns about your daughter playing on his
3 team?

4 A Funny you ask that question. There was -- as a
5 coach myself, there was probably an activity or two that I
6 would never have put myself into that situation.

7 Q Did you take your girl off the team or out of
8 practices?

9 A No. It seemed isolated to two people.

10 Q You weren't so concerned that you had to remove
11 your daughter from the practice?

12 A Not at the time, no.

13 Q Now, on December 8, was that the day that you drove
14 her up to practice, the Sports Complex?

15 A Saturday, December 8, yes.

16 Q What time did you get here?

17 A It was midafternoon. If you ask me for a precise
18 time, I won't be able to do that.

19 Q You also indicated the reason you had to go back,
20 you couldn't give your daughter a ride back, is your son's
21 Confirmation the following day on the 9th?

22 A My son was receiving First Holy Communion and we
23 had a mandatory requirement to be at church on Sunday
24 morning.

25 Q There initially was a plan to have Jackie Bendick,

1 have her parents drive your daughter back to Pennsylvania?

2 A Initially we talked about possibly meeting, but I
3 have no reservations about driving all the way up, but it
4 would have to be mid to late afternoon.

5 Q Prior to December 7, the week of that event, Kayla
6 had indicated to you that she really wanted to go to this
7 practice, is that right?

8 A Correct.

9 Q And you wanted to accommodate her to go to
10 practice?

11 A Correct.

12 Q Purpose for coming up here was for that practice?

13 A Correct.

14 Q When she got here, there became an issue with
15 regard to transportation?

16 A No.

17 Q Did you talk to Mr. Broxmeyer?

18 A No, the issue wasn't at that point. The issue was
19 days before. I'd never drop off my daughter if I didn't know
20 when and where she was going to be to and from.

21 Q You had conversation with Mr. Broxmeyer on what
22 day?

23 A Again, it was a couple days before going up there,
24 precisely what day I'm not sure. I'd have to check my
25 cellphone record.

1 Q When did the plan change from the Bendicks giving
2 your daughter a ride back home to Mr. Broxmeyer?

3 A Again, that was such -- in passing I was either
4 going to come all the way up or Todd had offered to drive her
5 back down.

6 Q And he drove her back down on the 10th of December?

7 A Sunday the 9th.

8 Q Sunday the 9th. What time did he arrive at the
9 house, at your house?

10 A Again, I was at church.

11 Q So this was the morning, not the evening?

12 A Correct. I put it, the time frame, like I said
13 before, probably around 11:45.

14 Q Now, you indicated that your daughter had been
15 dating somebody for approximately one year and broke up with
16 him on that Sunday, is that right?

17 A Correct.

18 Q Or Saturday?

19 A Sunday night.

20 Q When she returned from the practice? After she
21 returned from practice?

22 A Sunday night. When it happened I don't know. If
23 it was the next day when I finally found out, I'm not going
24 to ask her when did you do it, as soon as you came back.

25 Q I understand. Ultimately, the following day she

1 wasn't feeling too good?

2 A Correct. Had to pull her out of school.

3 Q Your daughter had been texting Mr. Broxmeyer and
4 vice-versa for some time prior to that December 9, 2007
5 practice, is that right?

6 A Correct.

7 Q And that continued after the 10th of 2007?

8 A Yes.

9 Q Did you ever view the text messages that were being
10 sent between?

11 A No. I didn't see all the text message quantity
12 until after I received the phone bill, which obviously I
13 wouldn't have got it that day.

14 Q It came sometime later?

15 A Sometime in January.

16 Q Had your daughter ever complained to you about
17 Mr. Broxmeyer before the 10th, let's say?

18 A No.

19 Q You didn't have any reason to believe there was any
20 problem between Mr. Broxmeyer and your daughter, did you?

21 A Before that date, no.

22 MR. KILKER: I have nothing further, Judge.

23 THE COURT: Mr. Lovric.

24 MR. LOVRIC: Just two quick questions, if I
25 may.

1 REDIRECT EXAMINATION

2 BY MR. LOVRIC:

3 Q Mr. Mueller, the plans for Mr. Broxmeyer to drive
4 Kayla home, were those plans for him to do that, were they
5 set well before you brought Kayla up on December 8?

6 A Yes.

7 Q So the discussions about initially maybe the
8 Bendicks and you meet halfway, that was prior to
9 Mr. Broxmeyer saying I'll bring her home on December 9?

10 A Correct.

11 Q So when you dropped her off on December 8, by that
12 point the plan was set that he would then, Mr. Broxmeyer,
13 drive her back home on the following day?

14 A Yes.

15 MR. LOVRIC: Okay. That's all I have.

16 THE COURT: Anything further, Mr. Kilker?

17 MR. KILKER: Yes, your Honor.

18 RECROSS-EXAMINATION

19 BY MR. KILKER:

20 Q The plans with the Bendicks, was that a standing
21 plan? In other words, if your daughter needed a ride home or
22 the Bendicks, basically supposed to give her a ride home or
23 agreed to give her a ride home?

24 A I believe the offer was there but I always had upon
25 it myself I was coming up there in the afternoon.

1 Q When this situation arose where you had to be at
2 church on Sunday the 10th, when was that communicated to
3 Mr. Broxmeyer such that he would have offered to make that
4 trip?

5 A A few days before that. Before Saturday. Probably
6 Tuesday or Wednesday.

7 Q Do you know for sure when that was?

8 A Again, I'd have to check my cellphone records in
9 order to exactly find out when Todd and I had conversations.

10 Q We have copies?

11 A That was Kayla's cellphone records.

12 Q So your records would be somewhere different?

13 A Correct. I work for Verizon so they have my
14 cellphone bill.

15 Q And Mr. Broxmeyer, prior to bringing Kayla home,
16 did he call you and tell you what time he'd be there?

17 A I had an understanding he would have to pick up
18 early in the morning.

19 Q What was your understanding of why he had to pick
20 her up earlier in the morning?

21 A He needed to get down to New Jersey for practice.

22 Q He had a practice in New Jersey?

23 A Correct.

24 Q He had to get there do you know what time?

25 A No. Kayla never planned on going to New Jersey

1 practice.

2 Q Just to drop her off at home on his way, is that
3 right?

4 A Correct. I know he also has business down in
5 Jersey, so his schedule is not any relevance to me.

6 Q Your home isn't too far out of the way for him if
7 he were to travel through New Jersey?

8 A No. It would make sense, you would travel down
9 northeast to Pennsylvania Turnpike.

10 Q That's why you agreed to let him drop her off?

11 A Correct.

12 MR. KILKER: Nothing further.

13 THE COURT: Mr. Lovric?

14 MR. LOVRIC: I have no other questions.

15 THE COURT: Okay. Thank you, Mr. Mueller.
16 You may step down, sir.

17 MR. LOVRIC: Judge, can we approach real quick
18 at side-bar?

19 THE COURT: Yes.

20 (At the Bench).

21 MR. LOVRIC: I was going to request,
22 Mr. Mueller asked me, I indicated I'd asked the Court and
23 defense counsel, Mr. Mueller would like to sit when his
24 daughter testifies, primarily as a parent to provide her some
25 comfort, I think. I know typically the rule is a witness

1 cannot if they're a witness in the case, but I'm asking if
2 that would be all right. He's testified.

3 MR. KILKER: I don't have a problem with that.

4 THE COURT: I don't think the rule extends
5 quite as far as the government thinks it does. If there's a
6 request for an exclusion in a civil trial, the Court will
7 exclude witnesses who are going to testify at the civil
8 trial, not witnesses who have testified, unless there's a
9 showing that that witness may be called back to testify
10 further. You're not going to call him?

11 MR. LOVRIC: No, I don't anticipate him being
12 called. I wanted to ask everybody if that would be okay.

13 MR. KILKER: Thank you.

14 (In open Court).

15 THE CLERK: Please state your name for the
16 record.

17 THE WITNESS: Kayla Mueller.

18 KAYLA MUELLER, having been called as a witness, being duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. LOVRIC:

22 Q Good afternoon, Kayla. I'm going to ask you, if
23 you can, to make sure you speak into the microphone. All
24 right?

25 A Yeah.

Kayla Mueller - Direct

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1 Q Kayla, how old are you today?

2 A I'm 16.

3 Q And Kayla, without telling us your address or
4 anything like that, what state do you live in?

5 A Pennsylvania.

6 Q Have you lived in Pennsylvania your whole life?

7 A Yeah.

8 Q I take it you go to school in Pennsylvania?

9 A M-m h-m-m.

10 Q What grade are you in right now?

11 A I'm in 11th grade.

12 Q Okay. Now, Kayla, I'd like to talk about this
13 afternoon a couple things dealing with a person named Todd
14 Broxmeyer. Do you know Todd Broxmeyer?

15 A M-m h-m-m, yeah.

16 Q Okay. Can you look around and tell us if you see
17 Todd Broxmeyer in court?

18 A He's over there. (Indicating).

19 Q Okay.

20 MR. LOVRIC: I believe for the record
21 indicating the defendant.

22 THE COURT: Record will so reflect.

23 Q Kayla, did you at some point begin to attend field
24 hockey sessions that were coached by Todd Broxmeyer?

25 A Yes.

Kayla Mueller - Direct

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1 Q And some of the practices that you attended, did
2 you come up here to Binghamton, New York area?

3 A Yes.

4 Q Okay. And I'd like to talk about between September
5 of 2007 of last year and up until December of 2007, did you
6 come up to the area here to attend practices on several
7 occasions?

8 A Yeah.

9 Q Okay. Do you remember the field or fields that you
10 had practices at?

11 A One was at a high school and I don't remember the
12 name, and one was an indoor facility.

13 Q Okay. And at those practices that you came to
14 attend, did Todd Broxmeyer coach and train the girls like
15 yourself at those practices?

16 A Yes.

17 Q And when you came up for the practices, do you
18 remember, was there a friend of yours that also sometimes
19 came up with you?

20 A Yes.

21 Q Okay. Do you remember her name?

22 A Lauren.

23 Q Okay. And from time to time when you and Lauren
24 were brought up for practice, who would drive you and Lauren
25 up for practice?

Kayla Mueller - Direct

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1 A Either my dad or her parents. It just depended.

2 Q Okay. And Kayla, did there come a point an event
3 that happened in December, the weekend of December 8?

4 A Yes.

5 Q Eight and 9. Okay. Do you remember coming up for
6 practice on that weekend?

7 A Yeah.

8 Q And do you remember who it was that drove you up
9 for practice?

10 A It was my dad.

11 Q And did you on that date when you came up for
12 practice, did you know whether you'd be going right back on
13 the same day that your dad dropped you off?

14 A No. I planned to stay over at Jackie Bendick's
15 house.

16 Q And Jackie was -- who was she?

17 A She was another player on the team.

18 Q Okay. And did you actually spend the evening and
19 the night at the Bendick house?

20 A Yes.

21 Q And what was your understanding as to how you would
22 get home the following day on December 9?

23 A Well, my parents couldn't come and get me the next
24 day because my brother had First Holy Communion, so my
25 parents asked if Todd can bring me home and he said he could.

Kayla Mueller - Direct

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1 Q Okay. And so you believed the next day Todd
2 Broxmeyer would drive you home?

3 A M-m h-m-m.

4 Q Did he, in fact, pick you up on December 9?

5 A Yeah.

6 Q About what time -- I don't mean exactly, about what
7 time on December 9 did he pick you up?

8 A 7:30-ish.

9 Q Okay.

10 A Around there.

11 Q I'm sorry?

12 A It was around there.

13 Q Was that in the morning?

14 A Yeah.

15 Q And now on that weekend, did Lauren come up for the
16 practice?

17 A No, she didn't.

18 Q Okay. And when Todd Broxmeyer picked you up, was
19 there anybody with him when he picked you up?

20 A No.

21 Q And after -- let me ask you, Kayla, just generally
22 speaking, did you know what area the Bendicks lived in, what
23 town or city or anything like that?

24 A Yes and no. I don't know exactly where they lived
25 but I think they live in Whitney Point. I --

Kayla Mueller - Direct

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1 Q All right. And after Todd Broxmeyer picked you up
2 from the Bendicks', did he then drive at some point down a
3 highway?

4 A Yes.

5 Q Okay. Did he take you directly home?

6 A No.

7 Q Okay. Where did he go after he picked you up?

8 A We went to the sports facility, the newer facility.

9 Q And did he say why you were going first to the
10 sports facility?

11 A He said he had to get some equipment for his
12 practice in New Jersey.

13 Q Okay. And that sports facility, had you been there
14 before?

15 A Yes.

16 Q Was that one of the places that you sometimes had
17 those practices?

18 A Yeah.

19 Q And what happened when Todd Broxmeyer drove you
20 over to that sports facility? What happened when you got
21 there with him to that sports facility, when he drove there?

22 A He told me if I could help him get some equipment
23 into the car, so I said yes because I didn't see a problem
24 with that.

25 Q Okay. And did you at some point go inside there

Kayla Mueller - Direct

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1 with him?

2 A Yes.

3 Q Was there anybody else there?

4 A No.

5 Q When you got into the facility, what happened when
6 you were inside the facility?

7 A We went in and tried looking for the -- we went
8 inside and he tried looking for the equipment and Todd went
9 back to his office. And he called me back to help him.

10 Q Did you go into his office?

11 A Yes.

12 Q What happened inside the office?

13 A We -- I went in his office and he started kissing
14 me on the cheek and stuff saying that I was pretty. He was
15 saying that I was pretty and just started like kissing me.

16 Q What did he do after he was kissing you?

17 A Well, he took off his pants.

18 Q After he removed his pants, what did he do then?

19 A He leaned up on the desk and had me sit in a chair.

20 Q What happened next, Kayla?

21 A Then he placed one of his hands on the back of my
22 head and then I performed oral on him.

23 Q He made you perform oral sex on him?

24 A Yes.

25 Q What happened after he made you perform oral sex on

Kayla Mueller - Direct

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1 him?

2 A That was -- and then I also had to use my hands,
3 too.

4 Q Did he put your hands where he wanted them? Did he
5 tell you where he wanted you to put your hands?

6 A Yes.

7 Q What did he have you doing? Where did you put your
8 hands on his body?

9 A I just had them like on the chair.

10 Q Okay.

11 A And then when I had to use my hands, I --

12 Q Did he have you put your hand on his penis?

13 A Yes.

14 Q Do you know if he ejaculated at any point?

15 A I don't remember. I don't -- I was too shocked.

16 Q What happened afterwards, Kayla?

17 A We got the equipment and went back into the car.

18 Q Did he then drive you down to Pennsylvania?

19 A Yes.

20 Q Did he drop you off at home then?

21 A M-m h-m-m.

22 Q Did he talk or say anything about what had just
23 happened?

24 A He told me not to mention it to anyone.

25 Q Kayla, at any point after he dropped you off on

Kayla Mueller - Direct

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1 that Sunday, did he at any point after that send you text
2 messages?

3 A Yes.

4 Q What was he saying to you in those text messages?

5 A Just making sure if I was okay. If I didn't tell
6 anyone.

7 Q Kayla, after that weekend were you upset about
8 things that happened that following week?

9 A Yes. I broke up with my boyfriend then.

10 Q And did you also miss some school that week?

11 A Yeah. I couldn't take it, so I had my parents pull
12 me out of school.

13 Q Kayla, did Todd Broxmeyer ever send you any
14 pictures with a text at any point either before this happened
15 or after this happened?

16 A Can you repeat that?

17 Q Did Todd Broxmeyer ever send you any pictures or
18 any pics via texting?

19 A Yes.

20 Q Do you recall any of the pictures that you received
21 from him, what they looked like?

22 A It was the lower parts of his body, but sometimes I
23 wouldn't open up the picture messages, I just delete them
24 right away.

25 Q Did you ever open up any of those pics?

Kayla Mueller - Direct

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1 A Yes, sometimes.

2 Q What was it a picture of?

3 A The lower half of his body.

4 Q And that picture that you did look at, did you see
5 a male erect penis?

6 A Yes.

7 Q These pictures that he sent, did he send you these
8 before this event happened that you just described?

9 A I don't recall.

10 Q Okay. You're not sure exactly when?

11 A Yeah.

12 Q Okay.

13 MR. LOVRIC: All right, Kayla, thank you very
14 much.

15 THE COURT: Mr. Kilker.

16 MR. KILKER: Thank you, your Honor.

17 CROSS-EXAMINATION

18 BY MR. KILKER:

19 Q Hi, Kayla.

20 A Hello.

21 Q I'm attorney Kilker. I know this is difficult, but
22 I'm going to ask you some more questions about what you just
23 testified to. Okay?

24 A Okay.

25 Q You've been playing field hockey in the Binghamton

1 area for how long?

2 A Since September, on Labor Day.

3 Q And you played until December of 2007?

4 A Yes.

5 Q And where were your practices?

6 A They were either at a high school field on top of a
7 parking deck or in the indoor facility.

8 Q And your father or Lauren's mother typically give
9 you a ride up here?

10 A Yes.

11 Q And take you back?

12 A Yes.

13 Q And on December 7, or 8, actually, did your father
14 give you a ride up to the Binghamton area?

15 A Yes.

16 Q Is that on the 8th of December?

17 A Yes.

18 Q And prior to the 8th, the purpose of your coming up
19 here, did you want to come up here for field hockey practice?

20 A Yes, I did.

21 Q And you knew that your brother had a First Holy
22 Communion, right?

23 A Yes.

24 Q And it would be difficult for your parents to
25 transport you back?

1 A Yes.

2 Q At some point did you have an arrangement with
3 Jackie Bendick's parents to have her give you a ride back?

4 A No. We didn't work that out yet.

5 Q When did it come into play that Todd would give you
6 a ride?

7 A The first time I heard was when I got up there on
8 December 8, he offered to take me home because he said he'd
9 be going past my exit because he was heading into New Jersey.

10 Q Have you been to the New Jersey complex part down
11 there?

12 A Yes.

13 Q And you've practiced down there as well?

14 A Yes.

15 Q So you knew where Todd was talking about?

16 A Yes.

17 Q And it made sense for him to drop you off along the
18 way?

19 A Yes, because he was going right past my exit so --

20 Q Did you talk to your parents about that
21 arrangement, that being that Todd drop you off, or did he?

22 A My dad planned it with Todd to have him take me
23 home.

24 Q On December 8, that was when the plan came through?

25 A Yes.

1 Q On December 9 at 7:30 in the morning Todd picked
2 you up from Katie's house?

3 A It was Jackie's house.

4 Q Jackie Bendick, right?

5 A M-m h-m-m.

6 Q And Todd had indicated to you that he needed some
7 equipment, you went to the sports complex and he asked for
8 some help?

9 A Yes.

10 Q And your testimony is that he engaged in sexual
11 contact with you there?

12 A Yes, he did.

13 Q Following that, he took you back to Pennsylvania,
14 right?

15 A Yes.

16 Q Sorry. Take your time. And it took several hours
17 to get back there, is that fair to say?

18 A Yes.

19 Q And you're in the car with him the entire time?

20 A Yes.

21 Q Before you got into the vehicle, were there any
22 other people in the parking lot of the complex?

23 A I don't believe there was. It was just us.

24 Q Did you see anybody else around at the time?

25 A No.

1 Q And while you're traveling from New York to
2 Pennsylvania, did you have conversations about your
3 boyfriend?

4 A No.

5 Q When was it that you decided to break up with him?

6 A That night.

7 Q So once you returned to Pennsylvania?

8 A Yes.

9 Q The purpose of your coming up, obviously, was for
10 practice, right?

11 A Yes.

12 Q And then when you returned back home, did you tell
13 your parents what happened?

14 A No. I told them on Christmas Eve.

15 Q I understand there were several texts between you
16 and Mr. Broxmeyer after the 10th, is that right?

17 A Yes.

18 Q And you continued to communicate with him until
19 when?

20 A I don't really remember until when.

21 Q Did you tell him not to contact you anymore?

22 A I kind of just stopped kind of talking to him
23 because I didn't know what to do.

24 Q Had he ever tried to get naked pictures of you?

25 A Yes.

Kayla Mueller - Cross

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1 Q In what way?

2 A He said I sent you one, you have to send me one
3 or --

4 Q Those were the pictures you say you deleted?

5 A Excuse me?

6 Q You deleted those off your phone?

7 A Yes. And sometimes I would not open up the text of
8 the message.

9 MR. KILKER: That's all I have, Judge.

10 THE COURT: Mr. Lovric.

11 MR. LOVRIC: I have no other questions, your
12 Honor.

13 THE COURT: Okay. Thank you, Miss Mueller.
14 You may step down, ma'am.

15 (Witness excused).

16 MR. LOVRIC: Judge, the next witness is going
17 to be Katie Thorp. She's coming right down.

18 THE CLERK: State your name for the record.

19 THE WITNESS: Katelyn Thorp.

20 KATELYN THORP, having been called as a witness, being duly
21 sworn, testified as follows:

22 THE COURT: Okay, Mr. Lovric.

23 DIRECT EXAMINATION

24 BY MR. LOVRIC:

25 Q Good afternoon, Katie.

Katelyn Thorp - Direct

240

1 A Hi. Hello.

2 Q You have to speak a lot louder.

3 A Okay.

4 Q You may have to lean right up to it, okay?

5 A Yeah.

6 Q We just need to hear you. Katie, can you just tell
7 the members of the jury again your full name?

8 A Katelyn Thorp.

9 Q Okay. Your friends call you Katie?

10 A Yes.

11 Q Katie, how old are you today?

12 A Eighteen.

13 Q And without telling us the date of your birth, what
14 month is your birthday?

15 A February.

16 Q So you turned 18 this past February of 2008?

17 A Yes.

18 Q And in 2007, I take it then you were 17 years old?

19 A Yes.

20 Q Katie, where did you go to high school?

21 A Whitney Point.

22 Q And Katie, did you know a girl named Alesha
23 Widdall?

24 A Yes, I did.

25 Q How about a girl named Jackie Bendick?

Katelyn Thorp - Direct

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1 A Yes.

2 Q And did you know these girls through a sport that
3 you played?

4 A Yeah. We played field hockey together.

5 Q Okay. Did you play for Whitney Point school at
6 some point?

7 A Yes.

8 Q And when you played at Whitney Point, did you know
9 a person named Lindsey Wilcox?

10 A Yes.

11 Q Who was Lindsey Wilcox?

12 A My freshman and I believe sophomore year she was a
13 gym teacher and the JV field hockey coach.

14 Q Did you play when she coached the JV team at any
15 point?

16 A In tenth grade a little. I had knee problems so I
17 was switched back and forth between JV and Varsity.

18 Q Okay. And at some point, Katie, did you get to
19 know a person named Todd Broxmeyer?

20 A Yes.

21 Q Do you see Todd Broxmeyer in court today?

22 A Yes.

23 Q Can you just tell us who you're referring to, who
24 we're talking about?

25 A The man in the white shirt and gold tie.

Katelyn Thorp - Direct

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1 MR. LOVRIC: For the record indicating the
2 defendant.

3 THE COURT: Record will so reflect.

4 Q Katie, how did you first know of Todd Broxmeyer?
5 Just basically, how did you first know of him?

6 A Alesha went to goalie practices for him early in
7 high school. I don't remember the year exactly, but she
8 started attending his practices and she would come back and
9 go to our practices and tell us about him. And practice --

10 Q Okay. And at some point last fall did you become
11 interested in attending some of these practice sessions or
12 being a part of these practice sessions that Todd Broxmeyer
13 was running?

14 A Yeah. I considered it, but I work usually on
15 Saturdays so I wasn't able to.

16 Q Okay. Did you ever actually start to practice with
17 the sessions that Todd Broxmeyer ran?

18 A I went to one of them at the beginning of December.

19 Q Okay. And do you remember where it was, that
20 practice session?

21 A The community Sportsplex up behind the mall.

22 Q Okay. Here in the Binghamton area?

23 A Yeah.

24 Q Okay. And when you went to that practice session,
25 was that an indoor or outdoor facility?

Katelyn Thorp - Direct

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1 A Indoor.

2 Q And were there other girls that you knew there from
3 the field hockey playing kind of you know?

4 A Yeah.

5 Q What's the right word, I'm sorry? From playing
6 field hockey, were there other girls that you recognized?

7 A Yeah.

8 Q Were some of them from the Whitney Point area?

9 A Yeah, some from Whitney Point and Marathon area.

10 Q Okay. And how many, how many practice sessions do
11 you recall actually attending of Todd Broxmeyer's?

12 A One.

13 Q Just that one. And you think that that was
14 sometime in the early part of December?

15 A Yeah. It was December 7 or 8, whatever that
16 Saturday was.

17 Q Okay. Did you know a girl named Kayla Mueller?

18 A I met her that day of that practice.

19 Q Did you know her or just saw her and met her that
20 day before?

21 A I heard her name but that's it.

22 Q And after, after that practice session, did there
23 come a point in time when you were communicating with Todd
24 Broxmeyer via texting?

25 A Yes.

1 Q Okay. Now, did you text him or did he text you
2 also before that practice session you actually attended, or
3 did it all just kind of start afterwards?

4 A It started before and it continued on through.

5 Q Okay. And when Todd Broxmeyer first was contacting
6 you or communicating through you via texting, what was he
7 talking about when he first started talking to you?

8 A Just field hockey in general and considering
9 college and where I was going to go.

10 Q Okay. And was he talking about trying to get you
11 to come to practice sessions and attend these sessions that
12 he was holding?

13 A Yeah, he brought that up, saying it would help me
14 get into higher college with a good team, that I would excel
15 on the team and bring the team up.

16 Q Okay. Did he ever talk about whether, you know, if
17 you were looking at certain colleges, whether he could be a
18 reference, a recommendation or something of that sort?

19 A Yeah. He said if I went to the practices, that he
20 would write me a good recommendation to any college that I
21 wanted.

22 Q Now, did Todd Broxmeyer ever, when he's
23 communicating with you, did he ever talk with you about you
24 attending practices in either Pennsylvania or New Jersey?

25 A Yeah. He asked me to go to the ones in

Katelyn Thorp - Direct

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1 Pennsylvania. They were on a Monday night, but I said no, it
2 was a school night.

3 Q Okay. Did you ever go to any practices down in
4 Pennsylvania or New Jersey?

5 A No.

6 Q Now, Katie, did Todd Broxmeyer at some point when
7 communicating with you, did he start to communicate with you
8 about sexual things in nature?

9 A Yes.

10 Q How did that start? What was he saying when he
11 started to do that?

12 A He would say that I was beautiful and that I had a
13 good body and I was really athletic.

14 Q Okay. Did that at some point lead to him sending
15 you any pictures?

16 A Yes. He sent me a couple pictures of his penis and
17 asked for some in return.

18 Q Asked you to send him pictures back?

19 A Yes.

20 Q And when he was asking you to send pictures back,
21 were you telling him at first you didn't want to send any
22 pictures?

23 A Yes.

24 Q What would he say when you'd send him a text back
25 saying something to that effect?

1 A He like start begging me to send him some and make
2 me feel like a better person and make me feel really special
3 about myself and talk me up, I guess. Okay.

4 Q Okay. Do you recall sending the first picture to
5 him?

6 A Yeah.

7 Q I'd like to show you, Katie, what's in evidence as
8 Exhibit 1, page 7. See that picture?

9 A Yeah.

10 Q Who is that in the picture?

11 A Me.

12 Q And who took that picture?

13 A I did.

14 Q And did you send that picture to anybody?

15 A Yeah. Sent it to Todd.

16 Q And was that after he had asked or begged you to
17 send him a picture of yourself?

18 A Yes.

19 Q Did he say anything back after you sent him this
20 picture?

21 A He thanked me and like praised me for it and kept
22 saying how beautiful I was.

23 Q How did that make you feel?

24 A Kind of special, important.

25 Q Now, when these communications were occurring

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1 between Todd Broxmeyer and you, you were how old at that
2 point?

3 A Seventeen.

4 Q And when you sent him this picture that I just
5 showed you, how old were you then?

6 A Seventeen.

7 Q And did Todd Broxmeyer, if you know, did he know
8 where you went to school?

9 A Yes, he did.

10 Q How did he know that?

11 A He attended some of the practices and he would come
12 visit Lindsey at school sometimes and saw him around school.

13 Q Okay. At Whitney Point?

14 A Yes.

15 Q And Lindsey being Lindsey Wilcox that you told us
16 about earlier?

17 A Yes.

18 Q And after you sent him that picture that I just
19 showed you, page 7 of Exhibit 1, did there come a point in
20 time later in December of 2007 that he was asking you for
21 additional pictures?

22 A Yes.

23 Q Did you send him any additional pictures?

24 A Yes.

25 Q And when he was asking for these pictures, how was

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1 he asking for you to send him pictures?

2 A He would either say, if it was like a Monday when
3 he was heading down to Pennsylvania or Sunday night, he would
4 say, oh, send me something for the long trip to get me
5 through, to help me drive safely, or he would continually
6 just build me up as much as possible and then convince me to
7 send one to him.

8 Q Katie, I'm going to show you Exhibit 1, picture 25.
9 Did you send him that?

10 A Yes.

11 Q Katie, before coming to court today, did I go over
12 with you and show you this Exhibit 13?

13 A Yes.

14 Q This thick packet of texting?

15 A Yeah.

16 Q Okay. That's texting on your cellphone
17 December 21, is that correct?

18 A Yes, it is.

19 Q And did I read for you texting between you and Todd
20 Broxmeyer on that date?

21 A Yes, you did.

22 Q And on that date are there places where Todd
23 Broxmeyer's begging for you to send him a picture?

24 A No -- yeah. Yes, there is.

25 Q Okay. And did I also read to you where you're

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1 texting him and asking him where did he save this one
2 picture, and he's telling you on his Verizon Pix account?

3 A Yes.

4 Q And that was you texting with him on that date?

5 A Yes.

6 Q When Todd Broxmeyer was asking you for these
7 pictures and telling you how beautiful you look, how did that
8 make you feel as far as what he was doing and saying to you?

9 A Kind of made me feel important and like first
10 priority at the time.

11 Q Did you know whether or not Todd Broxmeyer was
12 asking any other girls to send pictures to him?

13 A Not at the time.

14 Q Okay. When this was going on, you didn't know
15 whether that was happening with any other girls?

16 A No.

17 Q Okay. And both of those photos I showed you, you
18 were how old when the photos were sent to Mr. Broxmeyer?

19 A Seventeen.

20 MR. LOVRIC: Those are all the questions I
21 have.

22 THE COURT: Mr. Kilker.

23 MR. KILKER: Thank you, your Honor.

24 CROSS-EXAMINATION

25 BY MR. KILKER:

1 Q Hi, Katelyn. I'm attorney Kilker representing
2 Mr. Broxmeyer. I just have a few questions for you.

3 A Hi.

4 Q Katie, you first met Mr. Broxmeyer at a hockey
5 event, is that right?

6 A Yes.

7 Q And you met him through, is it Lindsey Wilcox is
8 how the connection was made at some point?

9 A Between Lindsey Wilcox and Alesha Widdall.

10 Q And you met him where, Sportsplex?

11 A No. The first time I met him was at a field hockey
12 game that we had.

13 Q Where was that?

14 A I'm not really sure. It was a regular season game.

15 Q Now, you indicated that you went to one practice in
16 the beginning of December of 2007 at the Sportsplex, is that
17 right?

18 A Yes.

19 Q Did you attend any other field hockey events?

20 A Not that he -- he did field hockey practices for us
21 at Whitney Point. He had -- he ran a couple of them, but
22 other than that, no.

23 Q Were you signed up with his organization to play
24 field hockey?

25 A I don't know that I ever officially signed up.

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1 Q How did he get your cellphone number?

2 A I was ordering a stick through him at the end of my
3 junior year, beginning of senior year.

4 Q When did the conversations start to take place
5 regarding the text messages?

6 A We had a few about field hockey sticks, trying to
7 get him to come to the school with them so I could get one,
8 and after that, they started at the end of October, early
9 November.

10 Q Was it mutual? In other words, would you send back
11 comments to him?

12 A Yes.

13 Q And invited further conversation?

14 A Yes.

15 Q You liked the fact that he was paying attention to
16 you?

17 A Yeah.

18 Q At some point in time you did send a photo of
19 yourself, and it's been entered into evidence as Government's
20 Exhibit Number 1, page 7. Do you know when you sent this?

21 A Middle of November.

22 Q So that would have been before your first field
23 hockey practice?

24 A Yes.

25 Q And after this did you send any other photos?

1 A Yes.

2 Q And was that photo that we saw previously?

3 A Yes.

4 Q And when did you send that photo?

5 A December sometime.

6 Q Do you know approximately when?

7 A I'd say the beginning of December.

8 Q Did you ask Todd to send you photographs of
9 himself?

10 A No.

11 Q Did you talk to him on the phone on a regular basis
12 or was it mostly text messaging?

13 A Mostly texting, occasionally on the phone.

14 Q And you would send pictures of yourself to him?

15 A Yes.

16 Q How many pictures did you send?

17 A I sent a few, those two, and then there was a
18 couple like of my face. There was one that was like of me
19 and Jackie.

20 Q Now, in your text messages on December 21, you and
21 Todd were texting back and forth, is that right?

22 A Yes.

23 Q And there was some comments about pictures that you
24 had previously sent to him?

25 A Yes.

1 Q And the comment was that you had clothes on, is
2 that right?

3 A Yes.

4 Q But you're now telling us that you sent the second
5 exhibit of your vagina to him at some point?

6 A Yes.

7 Q And during the course of the text messaging with
8 Todd, you are indicating that you're fully clothed. What was
9 the purpose of that if you had already sent him a picture of
10 yourself naked?

11 A I didn't even recall sending the other one.

12 Q Did you identify that as being you or did somebody
13 tell you that that was you?

14 A I identified it was me.

15 Q That was after you spoke to the government?

16 A Yes.

17 Q Not before. You were asked to identify several
18 photographs previously, correct?

19 A Yes.

20 Q And you didn't identify that as being you before?

21 A It wasn't shown to me. I didn't know.

22 Q The photograph that you previously identified, that
23 was the one with you in your underwear?

24 A I'm so confused right now.

25 Q All right. Take your time. When you were first

1 approached and asked to identify certain photographs, the
2 exhibit that I just showed you?

3 A Yes.

4 Q That you identified as being you?

5 A Yes.

6 Q That was the only photograph at that time that you
7 identified?

8 A Yeah. No. I identified one other one and it was
9 just like a profile facial shot.

10 Q Nothing naked, nothing bodily promiscuous anyway?

11 A No.

12 Q Now, these pictures -- and just go back for a
13 second. It is the same photograph that we just saw. Did you
14 voluntarily send that to him? And I'll show you the photo.
15 In that photo you appear to be smiling?

16 A Yeah.

17 Q And so you took it and you thought it was fun when
18 it happened?

19 A No. Take a picture smiling.

20 Q And then you sent it to Mr. Broxmeyer's cellphone?

21 A Yes.

22 Q And asked him if he liked it?

23 A Maybe. I don't know for sure.

24 Q Was it anything that he forced you to do, was it?

25 A Through words, yes.

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1 Q What words?

2 A He would like basically start begging for pictures.

3 Q He didn't threaten that you wouldn't be part of the
4 team or anything of that nature, or that you'd have some sort
5 of bodily harm come on you, did he?

6 A No.

7 Q He just asked you if you'd send some to him?

8 A Yes.

9 Q Did he describe to you in detail what he was
10 looking for?

11 A No.

12 Q You just decided what to send him?

13 A He had the underlying messages like hinted at
14 things. When I sent him the picture of my face, he said you
15 know that's not what I was talking about.

16 Q And then you would send ultimately more pictures
17 like the one we just saw?

18 A Yes.

19 Q How many total would you say you sent?

20 A Including like profile shots?

21 Q Yeah.

22 A Four.

23 Q Are most of them just of your face, that kind of
24 thing?

25 A Yeah.

1 Q And the photo, second photo that you identified
2 through the government, was that something that you sent
3 after you sent profile pictures?

4 A Yes.

5 Q Now, the conversations that you had with Todd on
6 the text messages as you were texting back and forth, did you
7 discuss field hockey or things of that nature or was it all
8 about pictures?

9 A It was about both.

10 Q So there were things other than asking you to send
11 him photographs that you spoke about?

12 A Yeah.

13 Q Did you talk about school?

14 A Sometimes he would just start on a conversation
15 asking how school went or just asking about field hockey,
16 something along those lines.

17 Q Had you sent your photograph, including the exhibit
18 that we just looked at, to any person other than Todd?

19 A Can you say that again?

20 Q Did you send your picture, the one you just viewed?

21 A Yes.

22 Q In your underwear, did you send that to anybody
23 else?

24 A No.

25 Q You didn't send it to your boyfriend?

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1 A Not that I'm aware of.

2 MR. KILKER: That's all I have, Judge.

3 THE COURT: Mr. Lovric.

4 REDIRECT EXAMINATION

5 BY MR. LOVRIC:

6 Q Katie, on December 21, when you had the texting
7 conversations that are recorded in this Exhibit 13 I'm
8 holding up, I showed you this before we came to court, right?

9 A Yes.

10 Q And in that conversation do you recall a point in
11 time where Todd Broxmeyer says to you after you ask him what
12 picture he's referring to, he says you fingering yourself?
13 Do you recall him texting you that?

14 A Yes.

15 Q And then you recall you asked him where do you have
16 that saved? And he texted you back, Pix place through my
17 Verizon account for my eyes only. Did he text you that?

18 A Yes.

19 MR. LOVRIC: That's all I have.

20 THE COURT: Mr. Kilker, anything further?

21 MR. KILKER: No, your Honor.

22 THE COURT: Okay. Thank you, Miss Thorp. You
23 may step down, ma'am.

24 (Witness excused).

25 THE COURT: So, essentially, you don't have

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1 anymore proof this afternoon, is that right?

2 MR. LOVRIC: That's correct, Judge.

3 THE COURT: So tomorrow morning I do have a
4 procedure, Colleen, 9:30?

5 THE CLERK: I believe you do.

6 THE COURT: Okay. All right, ladies and
7 gentlemen, here's the way it looks to me. I don't think we
8 have an awful lot more proof to present to you, so we're
9 going to let you go home today and we're going to begin
10 tomorrow morning at 10:00, and we think we can probably get
11 through the proof with you and then probably give you the
12 case tomorrow afternoon. That's being very hopeful. It's a
13 possibility. I want to alert that to you so you know what
14 your own schedules are going to be.

15 So, let me remind you once again not to
16 discuss the case among yourselves, with anybody else or
17 permit anyone to discuss it with you. We'll see you tomorrow
18 morning at 10:00 a.m. and have a good evening. Court stands
19 adjourned. See counsel in chambers for charge conference.

20 (Jury excused).

21 (Charge Conference held in Chambers -
22 Nothing for the Record)

23 * * *

C E R T I F I C A T I O N

I, VICKY ANN THELEMAN, RPR, CRR, Official
Court Reporter in and for the United States District
Court, Northern District of New York, DO HEREBY
CERTIFY that I attended the foregoing proceedings,
took stenographic notes of the same, and that the
foregoing is a true and correct transcript thereof.

VICKY ANN THELEMAN, RPR, CRR
Official U.S. Court Reporter

VICKY ANN THELEMAN, RPR, CRR
UNITED STATES DISTRICT COURT